



# Backgrounds of Selective Service


VOLUME II • PART 9

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BACKGROUNDS OF SELECTIVE SERVICE

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# Military Obligation: THE AMERICAN TRADITION

*A Compilation of the Enactments of Compulsion  
From the Earliest Settlements  
of the Original Thirteen Colonies in 1607  
Through the  
Articles of Confederation 1789*

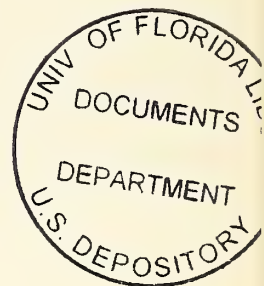
SPECIAL MONOGRAPH NO. 1

VOLUME II

PART 9. NEW YORK ENACTMENTS

THE SELECTIVE SERVICE SYSTEM

1947



## CLEARANCE COMMITTEE

BRIG. GEN. CARLTON S. DARGUSCH, *Chairman*

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GOVERNMENT PRINTING OFFICE

WASHINGTON : 1947

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PRINTING OFFICE, WASHINGTON 25, D. C.

# New York

Year	War	Class I Provisions	Class II Provisions
1605			
1610			
1615			
1620			
1625			
1630			
1635			
1640			
1645	1643 KIEFT'S		
1650	1647 1648 SWEDE'S		
1655	1656		
1660			
1665	1664 ENGLISH-DUTCH		
1670		(634) 1671	
1675	1673 ENGLISH-DUTCH		
1680			
1685	1684 IROQUOIS	(154) 1684 (146) 1685	
1690	1687 1689 KING WILLIAM'S	(156) 1691	(148) 1691 (149, 150, 151) 1692
1695	1697		
1700			
1705	1702 QUEEN ANNE'S	(153, 158) 1702	
1710	1710	(163) 1710	
1715			
1720		(172) 1721	
1725		(173) 1724	
1730			
1735			
1740		(183) 1739	
1745	1744 KING GEORGE'S	(187) 1742 (188) 1744 (190) 1746	
1750	1748		
1755	1754	(195) 1755 (198) 1757	
1760	FRENCH and INDIAN		
1765	1763 PONTIAC'S	(206) 1764	
1770	1764		
1775	1775	(210) 1772 (211) 1775	
1780	1778 REVOLUTION	(524) 1778 (532) 1782	(523, 613) 1778 (525) 1779 (614, 528) 1780 (529, 530, 531) 1781 (615) 1782 (533) 1783
1785	1783		

## Notes

Class I Provisions are defined as general enactments of compulsion: laying obligation on citizenry, or for duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

## Historical Data

1524. Discovered by Giovanni da Verrazano for France.  
1609. Champlain's battle with the Iroquois near Lake Champlain. Hendrik Hudson sailed into Hudson River and designated territory New Netherlands (Dutch East India Co.)  
1614. Grants by States General.  
1621. Dutch West India Co. chartered.  
1626. New Amsterdam (New York City) so named.  
1628. "Patroon" system inaugurated.  
1652. New Amsterdam incorporated by Dutch (New York City).  
1664. New Amsterdam captured by the English and named New York. Grant by Charles II to James, Duke of York.  
1673. New York recaptured by the Dutch.  
1674. New York restored to English by treaty with Holland. (Treaty of Westminster.) Second grant by Charles II to James, Duke of York.  
1683. Meeting of representatives of the people in New York City.  
1686. New York City chartered, Albany chartered (Dongan charters).  
1764. Order in council fixing boundary between New York and New Hampshire.  
1765. Colonial convention to consider Stamp Act.  
1774. Declaration of Rights signed and delegates chosen to continental congress.  
1776. Declaration of Independence ratified.  
1777. April 20, State constitution adopted.

## [CHAPTER 20.]

[Copied from the original in the office of the Secretary of State.]

## A Bill for the Settlement of the Militia

[Passed, October 27, 1684.]

For the better Regulating of the Militia within this Province for the Common Defence and Preservation Thereof Bee it enacted by the Governour Councill and Representatives in assembly met and assembled, and by the authority of the same

That a Major be appointed in such County (Capable thereof) as head of the Militia there; as ye Govern'r shall think fitt: That noe Master of Vessells bee exempt from Training but such as are above fforty Tunns.

That all persons though ffreed from Training by the Law yet that they be obliged to Keep Convenient armes and ammunition in Their houses as the Law directs To others

All fines for Neglect of Townes, bee Imposed by the Courts of Sessions or County Courts, but for the Neglect of particular persons, by the Captaines and Commission Officers

That the Governour doe chuse appoint & commissionate all officers of the Militia within this province provided that all such officers bee Chosen out of the Freholders inhabitants within the Respective Townes and Counties where their Companies are

That the Clarke, of the Respective Companies who are to bee Sworne bee empowered by Their Commission Officers to Levy all fines and Penalties as shall bee adjudged and Give account thereof to the said Officers

That noe fines doe goe to the Commission Officers but that they bee employed in the buying of Drummes and Colours Italberds Trumpetts and other Necessary Charges Relateing to the Militia to bee disposed off by the severall Commission Officers of the Townes or Counties

That all Warrants from the Governour and Councill bee sent to the Majors of each County, who are to give orders for drawing together the severall Companies of the County.

Match Locks being not thought necessary in this Country that none bee obliged to provide them.

That military offences be adjudged By the Major (if present) and Captaines in each County, but if absent the Captains and Commission Officers to adjudge Them.

That if any Servant upon pretence of goeing to the warrs against the Enemy doe runne away from his Masters service

he shall if taken be Greivously punished att the direction of the Governour and Councell.

And that other persons nott Excused by Law pretending tender Consciencs (soe nott willing to beare armes) doe find a Man to serve in their Stead or pay their fines as the Law directs or are Left to agree with the Military Officers of the place

As to other matters any way relating to Military affaires nott herein exprest, all persons are to be regulated as in his Royall Highnesses Lawes is Directed. And be it further Enacted that every person Mustered or to be Mustered shall Once every yeare pay unto the Master Master his Deputy or Deputys by him Appoynted in each respective County the sum of four pence halfe penny

[CHAPTER 21.]

[Copied from the original in the office of the Secretary of State.]

An Act to prevent Arrests of Judgments and Superseding Execucons.

[Passed, October 27, 1684.]

WHEREAS greatt delay trouble and vexacon hath been and is still Occasioned to the People of this Province as well by arresting and reversing of Judgments, as by staying of Execucons by Writts of Error and Supersedeas; Bee itt enacted by the Governour and Councell and Assembly now assembled and by the Authority thereof, That after Judgment shall bee given in any of the Courts of this Province, the Partys and their heyers shall bee thereof in peace untill the Judgment bee undone by Attaint or Error, to bee brought within eight and twenty days after Judgment given, in which time no Execucon to Issue forth, butt after Execucon no attaint or writt of Error to bee brought. And bee itt further enacted, Thatt if any verdict of twelve men shall bee given in any action, Suit, bill or demand, to bee commenced from and after the first day of November next ensuing in any of the Courts of this Province, Judgment thereupon shall nott bee stayed or reversed for Default in forme or lack of forme, or by reason there are nott pledges, or butt one pledge to prosecute, or for default of entering Pledges upon any Bill or Declaracon or for Default of alleging the bringing into Court of any bond, bill, Indenture or other Deed whattsoever, Letters Testamentary, or Letters of Administracon, menconed in the Declaracon or other pleading, or by reason of Omission of Vi et armis, or contra pacem, or for or by reason of the mistaking of the Christian name or Surname



And also, all Vessels that shall bring any Passengers into this Province, the Masters of such Vessels shall within four and twenty Hours after arrival, bring a List of such Passengers he brings into the Province, with their Quality and Conditions, unto the chief Magistrates of each respective City, Town or County, as aforesaid, under the Penalty of Ten Pounds currant Money of this Province.

Alwayes provided, That if any Vessel bring in any Person as aforesaid, not able to give Surety for their well demeanour, that then, and in such case, That the Master of such Vessel or Vessels shall be obliged to Transport all such to the place from whence they came, or at least out of this Province and Dependencies.

And also, if any Vagabonds, Beggars, or others, remove from one Town to another, and cannot give Security, as aforesaid, It shall be lawful to the Constable to return such Persons to the Town from whence they came. 2/5

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### *An Act for settling the Militia.*

Whereas the present State and Condition of this Province doth of necessity require, that the Inhabitants thereof should be well armed, and trained up in *Art Military*, as well for the Honour and service of their most excellent Majesties, as the Preservation of their own Lives and Fortunes, Be it Enacted and Ordained by the Governour and Council, and Representatives convened in General Assembly, And it is hereby Enacted and Ordained by the Authority of the same, That no Person whatsoever from Fifteen to Sixty Years of Age remain unlisted by themselves or Masters, Mistresses or Employers, under the Captains in their respective places of abode, in Foot or Horse, the space of one Kalendar Moneth after their arrival, or coming to reside or sojourn in any place within this Province, on Penalty of Twenty Shillings, and so for every Moneth such Person shall remain unlisted. And that every Foot Souldier be provided with a well fixed Musquet or Fusée, or if the Officer so appoint, with a good Pike, or Sword, or Lance and Pistol; each Musqueter six Charges of Powder, and one Cartouch Box, and so shall appear when and where appointed, upon penalty of five Shillings for his default in not appearing, and three Shillings for want of each Charge of Powder, Gun, Pike, Sword, Pistol or Cartouch Box, so as the whole Penalty for any Person at one time exceed not ten Shillings. And that every Souldier belonging to the Horse, shall, when and where commanded, appear, and be provided with a good serviceable Horse of his own, covered with a good Saddle, with Holsters, Breast-plate and Crupper, and a Case of good Pistols, Hanger, Sword or Rapier, and half a pound of Powder, with twelve serviceable Bullets, on penalty of Ten Shillings for each times absence, and

and five Shillings for default of each of the particulars above mentioned, so as the whole Penalty for one time exceed not fifteen Shillings. And that every Foot Souldier shall have at his Habitation and Abode one pound of good Powder, and three pound of sizeable Bullets. And every Trooper have at his usual place of Abode, a well fixed Carbine, with Belt and Swivel, and two Pounds of fine Powder, with six pounds of sizeable Bullets, on penalty of ten Shillings for each default; and that each of them shall bring the same into the Field, when commanded upon Penalty of answering the same at a Court Martial.

And for the supply of the Troops of Horse in the Cities of *New-York* and *Albany*, and County of *Ulster*, it shall be in the Power of the Collonol or chief Officer of the Militia of the City of *New-York*, County of *Albany*, and County of *Ulster*, for the time being, whensoever any of the said Troops shall not compleat the Number of Fifty, To present double the Number, instead of such as are dead, removed, or wanting, out of the principal Inhabitants and Gentlemen of the respective Cities and Counties aforesaid, unto the Governour for the time being, who from time to time may list and order so many of them to be of the said respective Troops, as may compleat the Number of Fifty for their Majesties service, and the security of this Province. And every Person so presented to the Governour for the time being, and by him listed and ordered to be of the said respective Troops, shall be, and are hereby obliged to serve in the said respective Troops, upon the Penalty of five Pounds. Provided nevertheless, That nothing herein be construed to extend to force or compell any Person that hath or shall be in Commission in this Province, to list themselves in any Company or Troop, or to serve in any Capacity beneath their former Commission, unless such person hath been degraded by a Court Martial.

And it is further Enacted by the Authority aforesaid, That no person, so listed as aforesaid, shall depart thence, without a Discharge from the Commander of the Company or Troop, where listed, on Penalty of Twenty Shillings. And that no Commander of any Company or Troop shall refuse, when desired, to give a Discharge in Writing, to any that is removing his Abode out of the Precincts or Province, under the penalty of five Pounds.

And whereas at the City of *New-York*, Guards and Watches are every Night set and appointed, Be it therefore Enacted and Ordained by the Authority aforesaid, That it shall and may be lawful for any person or persons listed in the Regiment of the City and County of *New-York*, (except on Extraordinary Occasions) to put a well Armed Man in their Room, who, if approved of by the Captain of the Guard, shall excuse his or their Absence. Provided always, That the Commission Officers and Serjants of the respective Companies, be obliged in their respective Turns to mount the Guard in their proper Persons. And that no person



Person shall refuse to be a Serjant, Corporal or Drummer in the Company wherein he is listed, under the penalty of Forty Shillings.

And be it further Enacted and Ordained by the Authority aforesaid, That all Captains of Companies of Foot, or Troops of Horse, shall within twelve Moneths from and after the Publication of this Act, provide for their Companies and Troops, Drums and Colours, Trumpets, Trumpeters, and Banners, at the proper Charge of the respective Officers, Troops and Companies, under the Penalty of Ten Pounds, and so for every four Months such Commanders shall remain unprovided. And that all the Collonels of the respective Regiments, or next chief Officers in their absence, shall once every Year at least issue out their Warrants to their Inferiour Officers, commanding them, *To make diligent search and inquiry in their several Precincts, that all be duly Listed, Armed and Equipped*; And to return to them such Defects as shall be found, to the end the same may be reformed, on penalty of Twenty Pounds. And and that once every three Moneths, or oftner, as Occasion shall require, and command be given by the Captain General or Commander in chief, the several Companies and Troops in each Regiment, shall meet at the next and most convenient places to be appointed by the respective Officers, to be then and there by them mustered and exercised.

And it is hereby Enacted and Ordained by the Authority aforesaid, That during the time the said Officers and Souldiers are in Arms, they shall observe and keep all and every of the Laws and Articles of War, and give all due Obedience to their superiour Officers: Which Laws and Articles the Captain General or Commander in chief, with Advice of a general Council of War, is to make and establish, and the Commanders of the several Regiments to give out Copies of the said Articles unto the respective Officers, that the same may be publicly read once every three Months unto the Souldiers, whilst they are in Arms, that all Persons may the better know and observe their Duties. And if it shall happen that any of the Officers or Souldiers, shall, when they are out of Arms, endeavour to take Revenge by force, for any thing his or their superiour Officers lawfully did in pursuance of his or their Duty, and this Act, The said Officers and Souldiers shall be brought to a Court Martial, and there punished, as if the Offence had been done in Time of Service or Exercise; provided that the said Punishment do not extend to Life or Limb.

And be it further Enacted by the Authority aforesaid, That once every Year, or oftner, if thereunto commanded, each particular Captain shall give to his Field Officer, and the Field Officer to the Captain General or Commander in chief, fair written Rools of their respective Companies and Regiments. And if any Field Officer, Captain or other inferiour Officer or Souldier shall neglect, or contemn performing the lawful Commands of their respective superiour Officers, he or they shall be punished by Fine, Casheering, or other Punishment, according to the Discretion



Discretion of a Court Martial, which the Captain General, or the Commander in chief is to appoint and establish. And the Orders of the said Court Martial, are hereby declared to be binding in all Military Affairs.

And if any Person upon any Invasion, or other publick Military Service, be wounded or disabled, he shall be cured and maintained out of the publick Revenue.

And if any Person whatsoever shall be sued, molested or impleaded for any thing lawfully commanded in the Execution and Pursuance of this present Act, he shall plead the general Issue, and give this Act in Evidence; and shall thereupon, if found for him, recover costs of Suit, and Triple Damage.

Provided always, and it is hereby Enacted and Declared by the Authority aforesaid, That the several Fines and Forfeitures mentioned in this Act, shall be recovered and disposed of as followeth, *viz.* That all such as do relate to any Person under the degree of a Captain, shall be to the respective Captains, to defray the Charges of their Companies or Troops, and to be levied before the next Exercising day, by Distress and Sale of the Offenders Goods, by the Captains Warrant to the Serjeant or Corporal; and if no Distress be found, the punishment to be by riding the Wooden Horse, or being tyed Neck and Heels, not exceeding one Hour, at the Discretion of their Officers. But if the offender be a Servant, the Owners Goods shall be liable to the Distresses and Sales, as aforesaid, so that Satisfaction may be made. And for all other Penalties mentioned in this Act, the same shall be levied by Distress and Sale of the Offenders Goods and Chattels, by the Provest Marshal, by Warrant from the Captain General or Commander in chief, or the chief Field Officer, where such Offenders are; one half thereof shall be to the Captain General, and the other half unto the said Field Officers of that Regiment where the Offence is committed. And if the Fines that do relate to any Person under the degree of a Captain, shall not amount to a sum sufficient to defray the Charge of the Captains Companies or Troops, that then the over-plus wanting be levied upon the several Souldiers equally, by Warrant or Order of the Collonel or chief Officer of the Regiment, Troops or Companies.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for any Commission Officer, belonging to the Regiment of the City of New-York, under the degree of a Captain, in the absence of the said Captain, to grant Warrants of Distress against any Person whatsoever, that shall absent themselves from their Duty on the Night Guards, without sending a sufficient Person to serve and watch in their stead; which said Warrants, so granted, shall be as effectual, to all intents and purposes whatsoever, as if they or any of them had been granted by the Captains themselves.

D

Provided

Provided alwayes, and be it further Enacted and Declared by the Authority aforesaid, That nothing in this Act contained be expounded, construed or understood, to diminish, alter or abridge the Power of the Captain General or Commander in chief for the time being, but that in all Things and upon all Occasions he may act as fully and freely, as Captain General and Commander in chief, to all intents and purposes, as if this Act had never been made, any thing in this Act to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That all Persons listed, as aforesaid, shall readily attend and serve on the Watches when appointed, under the Penalty of Three Shillings for each default.

And it is also further Enacted by the Authority aforesaid, That no Person whatsoever presume to fire any small Arms after Eight of the Clock at Night, unless in case of any Alarm, Insurrection, or any other lawful Occasion; And in either of the said Cases four Musquets or small Arms, distinctly fired, or where great Guns are, the firing of one great Gun, and two Musquets or small Arms, distinctly, and beating of a Drum shall be taken for an Alarm. And every person that shall neglect his Duty in taking and giving forward an Alarm, by firing, as aforesaid, or shall be guilty of firing any small Arms after Eight of the Clock at Night, unless as aforesaid, shall be fined, or otherwise punished, at the Discretion of a Court Martial, not extending to Life or Limb. And in case of such Alarm every Souldier is immediately to repair armed to his Colours or Court of Guard, upon the penalty of Five Pounds.

And for the better Prevention of false Alarms, That no Captain, Master or Commander of any Ship or Vessel riding at Anchor in any the Harbours, Ports or Bayes within this Province, or any other Person, fire any Gun after eight of the Clock at Night, under the Penalty of Forty Shillings for every Gun so fired to be levied by Warrant from the chief Officer, not under the Degree of a Captain, who is hereby impowered to administer an Oath, and give Judgment thereupon by Distress and Sale of the Offenders Goods; and for want of Distress the said chief Officer is hereby impowered to commit such Offenders to the Goal, there to remain until payment be made of the same. And that in case the said chief Officer shall not perform his Duty therein, he shall forfeit ten Pounds, to be levied by Warrant from the Captain General or Commander in chief for the time being. Provided alwayes, That this clause shall in no ways concern or extend to any Captain or Officer of any of his Majesties Ships of War, for their firing at setting of the Watch,

Provided alwayes, and it is hereby further Enacted and Declared by the



the Authority aforesaid, That all Trumpeters and Drummers lately in service, or that shall by the several Captains be put into that service, during the Captains pleasure, shall serve upon the Sallary of forty Shillings *per annum* for a Trumpeter, and twenty Shillings *per annum* for a Drummer, finding their Trumpet and Drum; and twenty Shillings for a Trumpeter, and ten Shillings for Drummer, if the Captain find them, upon Penalty of forty Shillings.

Provided alwayes, and it is hereby Enacted and Declared, That all the Members of Their Majesties Council, Justices of the Peace, Sheriffs, Coroners, and all other Officers of Courts, Ministers, School-Masters, Physitians and Chyrurgions shall be free from being listed in any Troop or Company within this Province, any thing contained herein to the contrary in any wise notwithstanding.

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*An Act declaring what are the Rights & Priviledges of Their Majesties Subjects inhabiting within Their Province of New-York.*

**F**Orasmuch as the Representatives of this their Majesties Province of *New-York*, now convened in General Assembly, are deeply sensible of their Majesties most gracious Favour, in restoring to them the undoubted Rights and Priviledges of *English-men*, by declaring Their Royal Will and Pleasure in their Letters Patents to his Excellency, who they have appointed their Captain General and Governour in chief over this their Province, *That he should, with the Consent of Their Council, from Time to Time, as need shall require, so summon and call General Assemblies of the Inhabitants, being Free-holders, according to the Usage of Their Majesties other Plantations in America:* And that this most excellent Constitution, so necessary, and so much esteemed by our Ancestors, may ever continue unto Their Majesties Subjects within this Their Province of *New-York*, The Representatives of this Their Majesties Province, convened in General Assembly, do with all Duty and Submission humbly pray, That the Rights, Liberties, Priviledges and Franchises, according to the Laws and Statutes of their Majesties Realm of *England*, may be confirmed unto Their Majesties most Dutiful and Loyal Subjects inhabiting within this their Province of *New-York*, by Authority of this General Assembly, Be it Enacted by the Governour and Council, and Representatives met in General Assembly, and it is hereby Enacted and Declared by the Authority of the same, That the Supream Legislative Power and Authority, under Their Majesties, *William and Mary*, King and Queen of *England*, &c. shall forever be and reside in a Governour in Chief and Council appointed

as an existing political subdivision, or, in other words, it treats the "Act to divide this Province and Dependencies into Shires and Countyes," passed 1 November, 1683, as yet in force, notwithstanding the resolution of 1691.

*Supra*,  
p. lxxviii.

This act recognizes the custom of England and the adjacent colonies to provide for the poor, but without reference to the "Poor Laws" of New Netherland. By an ordinance of 22 October, 1661, the Director-General and Council of New Netherland had ordered that on every Sunday alms should be collected for the poor in the villages, and "something laid up for the Poor and Needy." There were other Dutch laws on the same subject. The Duke's Laws of 1664 continued, as a town charge, the support of the poor. The Dongan Assembly, on 1 November, 1683, by "An Act for the defraying of the publique and necessary charge of each respective Citty Towne and County throughout This province and for maintaining the poor and preventing vagabonds," directed every county, city, town, parish, and precinct of New-York to make provision for the maintenance and support of their poor. The act of 1683 was virtually repealed by the act contained in this volume, and the support of the poor was again made a town charge only. Many of the provisions of both acts are almost identical in phraseology: the legislature of 1691-94 had all the acts of 1683-85 before them. This act also relates to settlement and commorancy, and required all immigrants not having a visible estate or manual occupation, before being admitted inhabitants of the province, to give sufficient surety that they would not become public charges. These provisions were taken from the act of 1683. Both the act of 1683 and this act excepted all those who had manual crafts or occupations, provided they made application eight days after arrival to the authorities. The provision which required masters of vessels to give security for immigrants, etc., was taken from the act of 1 November, 1683.

Laws, p. 9.

Laws of New  
Neth., 411.  
*Ibid. passim.*

Laws, p. 8.

Laws, p. 9.

Cf. 13 and 14  
Car. II., c. 12.

Laws, p. 10.

6.

See note 6 in general.

"*An Act for settling the Militia.*" This act was not more stringent in many of its provisions than were the prior laws of New-York on this subject. The Duke's Laws had required every male person above the age of sixteen years, except justices, sheriffs, high constables, and under sheriffs, petty constables, ministers, school-masters, chirurgeons, and some others, to duly attend all military exercises when required and warned by their officers. The latter

Laws, p. 10.

Title, Military  
Affairs.

Duke's Laws,  
title, Military  
Affairs.

Doc. rel.  
Col. Hist.  
N. Y., III,  
260.

Doc. rel.  
Col. Hist.  
N. Y., IV,  
185.

Doc. rel.  
Col. Hist.  
N. Y., III,  
333.

Doc. rel.  
Col. Hist.  
N. Y., III,  
371, 379.

Hallam's  
Constitutional Hist.  
England, II,  
128, 134.

Institutes of  
English  
Public Law,  
415.

Memorial  
History of  
New-York,  
IV, 263.

were commissioned by the Governor on the nomination of the constable and overseers of the towns. "General training" for the whole province was required once in two years, and for the ridings of Yorkshire yearly. Every town must have four days in each year for training among themselves. On 16 April, 1678, Governor Andros reported that the militia of New-York "is about 2000 of w<sup>ch</sup> about 140 horse . . . , ordered and exercised according to law." In 1693 the militia in New-York numbered about 3000. A bill for the settlement of the militia passed 24 October, 1684, in terms amended the Duke's Laws, but left most of their provisions in force. The amended act made the nomination and presentation of the officers of the militia dependent on the choice of the freeholders. When Duke of York, James had vested his Governor of New-York with the power of appointing officers of the militia. Subsequent to the Duke's accession, the mode of appointment seems to have been left indeterminate, at least sufficiently so as to account for the act of 1684, vesting the power of nomination in the freeholders. The provisions of this last-named act, if compared with the various acts relative to the militia, passed in England immediately after the Restoration, when the militia was reorganized, will be found interesting to any treatise dealing with the historical phase of a citizen soldiery. The abolition of military tenures in England in 1660 had led to a change in the whole basis of the English militia. The conflict with parliament in the time of King Charles I., relating to the extent of the prerogative of appointing officers in the militia, was the grand question on which the quarrel finally rested. The English acts relative to the militia passed after the Restoration have been carefully collected by David Nasmith, a barrister of the Inner Temple. By the acts 13 and 14 Car. II., c. 3, and 15 Car. II., c. 4, every man who possessed five hundred pounds a year from land, or six thousand pounds of personal estate, was bound to equip, provide, and pay, at his own charge, one horseman. Every man who had fifty pounds a year in rents, or six hundred pounds of personal estate, was charged with one pikeman or musketeer; smaller proprietors joined together were required to furnish a horse-soldier or a foot-soldier. The King's power of keeping the militia under arms was, however, limited to fourteen days.

There is an outline of the militia laws of New-York by General Emmons Clark. But the various historians of the Province of New-York have not usually given this period the most exhaustive



treatment, if we consider that the Duke's Laws of 1664 were enacted so soon after the Restoration and the reform in the English militia system as to afford interesting data for a comparison of certain institutions of England with those of New-York. The reservation of the choice of officers to the freeholders of New-York, contained in the act of 1684, was a somewhat important step toward freer government, if we consider that at that period in England they were named by the lord lieutenant of the county—the immediate representative of the crown. This act does not appear to regulate the appointment of officers. Nor did the commission and the instructions of Governor Sloughter apparently determine the manner of the choice of officers.

Laws, p. 10.

Doc. rel.  
Col. Hist.  
N. Y., III,  
623, 685.

Laws, p. 10.

This act, it will be observed, requires obedience of the militia when in arms to the laws and articles of war established by the Governor, with the advice of a general council of war, and extends the jurisdiction of a court martial even to acts of revenge done when the offender was not under arms. Even this subjection of the military courts in New-York to the laws and articles of war, to some extent probably reflects the influence of the English statute known as the Mutiny Act, which afforded the first regular recognition of the "articles and military laws" of Gustavus Adolphus and the Dutch military code of Arnheim. But this entire subject is one susceptible of independent treatment, at once profound and instructive in competent hands. By the English acts passed after the Restoration, the King remained sole captain-general of the forces. Justices of the peace were authorized to inflict slight penalties for breach of discipline by the militia, and only when the train-bands were called out against an enemy were they subject to the rigor of martial law. The Duke's Laws clearly gave too much power to the military courts to be in keeping with the English constitution after the Restoration. This act would seem also to have extended the power of courts martial too far.

1 William  
and Mary,  
c. 5.

De Lolme's  
Constitution  
of England,  
458; Doc.  
rel. Col.  
Hist. N. Y.,  
IV, 426.

The proceedings of a "Court of Lieutenancy" for the city and county of New-York, between 1686 and 1696, appear in the printed collections of the New-York Historical Society.

Collections  
for 1880, pp.  
391-458.

7.

*"An Act declaring what are the Rights & Priviledges of Their Majesties Subjects inhabiting within Their Province of New-York,"* passed 13 May, 1691. This is the most widely known of all the

Laws, p. 15.

*Second Session, September 15, 1690.*

JACOB LEISLER, LIEUTENANT GOVERNOR.

[Lieutenant-Governor Leisler, in a letter to the Earl of Shrewsbury, dated October 20, 1690, states that the Assembly hath granted a tax of three pence per pound to be levied in January and March next. See Doc. Rel. to Col. Hist. of N. Y. III, p. 753. In a copy of an order of the Lieutenant-Governor requiring the election of assessors and collectors in pursuance of the act, dated Jan. 25, 1691, the title of the act is given as above, and the date of its passage as October 2d. See Doc. Hist. of N. Y., II, p. 181, by E. B. O'Callaghan. The original of this law is not in the office of the Secretary of State, and the Revision Commission has been unable to discover a copy elsewhere.]

An act for Raising Three pence in the Pound of all Reall and Personall visible Estate of all and singular the Inhabitation of this Province, one halfe thereof to be paid at or before the 21 January Then next Ensuing and the other halfe at or before the 25th of March next Ensuing & that Assessors and Collectors for executing of sd Act be chosen by the freeholder of each Towne within this Province.

[Passed, October 2, 1690.]

[Copied from the original in the office of the Secretary of State.]

(See also original p. 220.)

A bill for amending & fining all persons within this Province of New York refusing to Serve In Comission of Civill or Military Power within ye Province under his Maj'ties Lieu't Governor of the Province aforesaid & that none of ye Inhabitants of ye City & County of Albany & Ulster Leave or Depart the City or Countys aforesaid Without Spetiall lycense of the said Authority or Carry of or transport from Said places any Wares or Merchandises Except Such hereafter Exprest.

[Passed, October 4, 1690.]

WHEREAS his Maj'ties Espetiall Servic in ye Pr'sent Warr with the ffrench & their adherents requires that there be apointed Severall Officers Civill & Military for due Administering ye Lawes Pr'serving the Peace & Keeping the Inhabitants In a good Posture of Defence ag'st said Ennemys & that severall

persons might not refuse or be backward In Serving his said Maj'tie In any Employment Civill or Military Under the Commission of his said Maj'ties Lieu't Governor of s'd Province whereby his s'd Maj'ties Service & Safety of this Province might be much hindred & obstructed Bee it therefore Enacted & it Is hereby Enacted by the Gen'll Assembly & by ye Authority of ye Same That if any Person or Persons Chosen, nominated, Constituted, ordained or Comissionated by his s'd Maj'ties Lieu't Governor to serve In any Employment Civill or Military w'thin any of ye Countys of s'd Province & shall refuse to accept receive or Execute any Commission or Commissions unto him or them directed by the Said Lieu't Governor that then & in such Case ye Said persons or Persons be Amended & fined to Pay ye Sume of Seaventy five Pounds Curr't Money of this Province & by refusall thereof that the Same be forthwith Strained by Warr't from said Lieu't Governor on the goods & Chattles of Every Person or Persons so refusing to serve as aforesaid PROVIDED always & be it further Enacted that ye s'd fine so payd or Strained as aforesaid shall be aplied for his Maj'ties use In Suporting & defraying ye Charges of this Pr'sent Warr against ye french and their adherents in ye City County or towne where the Same shall happen to be payd or Strained as aforesaid & be it further Enacted by the Authority aforesaid that all persons who shall Depart ye City & County of albany or County of Ulster being Inhabitants or freeholders Without Spetiall Lycense from the authority Comissionated by the Said Lieu't Governor shall forfeit & Pay the Sume of one hundred Pounds Curr't money to be Levyed on ye goods Chattles of Every person or persons so departing as aforesaid & for any such person whose Estate shall not amount to the Said Sume of one hundred Pounds that the s'd Persons be fined to ye Discrecion of ye Lieu't Governor & his Councel which Said Sume or fines are to be applied to the use afore menconed & that no Wares Goods or Merchandises shall be brought downe hudsons River or Transported out sd City & Counties w'thout such lycense as aforesaid under Penalty of Confiscacon of ye Same & to be aplied to ye use aforesaid Except Coine (after Sufficent Store left for the Militia & Inhabitants of ye s'd City & Counties) bevers & Peltry & other necessaries & be it further Enacted by the Authority aforesaid that all persons all ready departed from the Said City & County's to returne w'thin the time of fourteen dayes after Publicacon hereof (Except absolute necessity at their utmost Perills.



for any Judgement above the Value of Twenty Pounds. And from the Supream Court at New Yorke to ye Governour & Council for any Judgement above the Value of one hundred pounds; And from the Governour & Council to their Majestyes in Council for any decree or Judgement above the Value of three hundred pounds, as in their Majestyes Letters Pattents to his Excellency, Doth and may more fully appeare. **ALWAYES PROVIDED** that the Party or Partyes soe appealing, shall first pay all Costs of such Judgement or Decree from which the appeale ariseth. And enter into Recognizance with two sufficient Suretyes for Double the Value of the Debt, Matter, or thing recovered or obtained, by Judgement or Decree against him or them to the said Court from which they Appeale that they will prosecute the said Appeale or Appeales with Effect, and make Returne, thereof within Twelve Months after the said Appeale or Appeales here made; And if Default happen thereon then Execution to Issue out upon the Judgement against the party or their Suretyes, in course without any Scire facias. **PROVIDED** alwayes that the Establishing of those Courts, shall not be or remaine Longer in force, then for the time & space of Two Years, and untill the End of the sitting of the next Assembly after the Expiration of the Said Two Years.

See also original p. 232.

#### [CHAPTER 5.]

[Chapter 5, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Fowler's Bradford, p. 10. Title only printed in Baskett, p. 8. Defects in this act were supplied by ch. 95. The act was repealed by ch. 114. For note in reference to this act, see Fowler's Bradford, p. CLX.]

#### An Act for settling the Militia

[Passed, May 6, 1691.]

WHEREAS the present State and Condition of this Province Doth of necessity require That the Inhabitants thereof Should be well armed and Trained up in Art military as well for the honour and service of Their Most Excellent Majestyes as the preservation of their own lives and fortunes BEE IT ENACTED AND ORDAINED By the Governour and Council and Representatives Convened in Generall Assembly, and It is hereby ENACTED and Ordained By the authority of the Same That noe person whatsoever from fifteen to Sixty years of Age remaine unlisted by themselves or masters mistresses or employers under the Captains in the respective places of their abode in foot or horse the space of one Calendar month after

156. N. Y.—*General Assembly; Col. Laws, Vol. 1, Lyon, 1896; Act, May 6, 1691, pp. 231-236.*

(their arrivall or Coming to reside or sojourne in any place within this Province, on penalty of twenty Shillings and soe for every month Such person Shall remaine unlisted and that every foot Soldier be provided with a well fixed muskett or fuzee (or if the Officer Soe appoint with a good pike or Sword or Lance and pistoll Each musketteer Six charges of powder and one Cartouch box and so shall appeare when and where appointed upon penalty of five shillings for his Default in not appearing and three shillings for want of each Charge of powder gunn pike Sword pistoll or Cartouch box so as the whole penalty for any person at one time exceed not tenn shillings and That every Soldier belonging To the horse Shall when and where Commanded appear and be provided with a good Serviceable horse of his Own Covered with a good Saddle with holsters breast plate and crupper and a Case of good pistolls hanger Sword or rapier and halfe pound of powder with twelve Serviceable bulletts on penalty of Tenn Shillings for each times absence and five Shillings for default of each of the particulers abovementioned soe as the whole penalty for one time Exceed not fifteen Shillings And that every foot Souldier Shall have att his habitation and abode one pound of good powder and three pound of Sizeable bulletts and every Tropper have at his usuall place of abode a well fixed Carabine with belt and Swivell and two pounds of fine powder with Six pounds of Sizeable bulletts on penalty of Tenn Shillings for each default and that each of them Shall bring the same into field when Commanded upon penalty of answering the same at a Court Martiall And for the Supply of the Troops of horse in the Cittyes of New Yorke and Albany and the County of Ulster It shall be in the power of the Collonell or Cheife Officer of the Militia of the Citty of New Yorke County of Albany County of Ulster for the time being whensoever any of the said Troops shall not Compleate the number of fifty to present double the number insteade of such as are dead removed or wanting out of the principall Inhabitants and Gentlemen of the Respective Cittyes or Countyes aforesaid unto the Governour for the time being who from time to time may list and order so many of them to be of the said Respective Troops as may Compleate the number of fifty for their Majestyes service and the security of this Province And every person so Presented to the Governour for the time being and by him listed and Ordered to be of the said respective Troops Shall be and are hereby obliged to serve in the said Respective Troops upon the penalty of five pounds PROVIDED nevertheless That noe Clause herein be Construed to

extend to force or Compell any person That hath or shall be in Commission in this Province to list themselves in any Company or Troop or to serve in any Capacity beneath the former Commission unlesse such person hath been degraded by a Court Martiall AND IT IS FURTHER ENACTED by the authority aforesaid That noe person soe listed as aforesd shall depart thence without a discharge from the Commander of the Company or Troop where listed on penalty of Twenty Shillings And That noe Commander of any Company or Troop shall refuse when desired to give a discharge in writing to any that is removing his abode out of the precincts or province under the penalty of five pounds AND WHEREAS att the Citty of New yorke guards and watches are every night sett and appointed BE IT THEREFORE ENACTED and declared by the authority aforesaid That it shall and may be lawfull for any person or persons listed in the Regiment of the Citty and County of New yorke (Except on Extraordinary Occasions) to put a well armed man in their room who if approved off by the Captaine of the guard Shall excuse his or their absence PROVIDED allwayes That the Commission Officers and Serjeants of the respective Companies be obliged in Their respective turns to Mount the guard in their proper persons And That noe person shall refuse to be a Serjeant Corporall or Drummer in the Company wherein he is listed under the penalty of two pounds AND BEE IT FURTHER ENACTED and Ordained by the authority aforesaid That all Captains of Companies of foot or Troops of horse shall within twelve months from and after the publication of this Act Provide for Their Companies and Troops Drumms and Collours Trumpetts Trumpeters and Banners att the proper Charge of the respective Officers Troops and Companies under the penalty of Tenn pounds and soe for every four months Such Commanders shall remaine unprovided. And That all the Collonells of the respective Regiments or next Cheife Officer in Their absence shall once every yeare at the least issue out their warrant To their Inferiour Officers Commanding them to make diligent Search and Inquiry in Their Severall precincts That all be duly listed armed and Equipped and to returne to them such defects as shall be found to the end the Same may be reformed on penalty of twenty pounds and that once every three months or oftener as Occasion shall require and Command be given by the Captaine Generall or Commander in Cheife the Severall Companies and Troops in each Regiment Shall meet att the next and most Convenient places to be appointed by their respective Officers to be then and there by them mustered and Exercised AND IT IS hereby ENACTED and ordain'd by the



authority aforesaid That during the time the Said Officers and Soldiers are in arms they Shall observe and Keep all and every of the Laws and Articles of warr and give all due obedience to their Superiour Officers which Laws and Articles the Captaine Generall or Commander in Cheife with advice of a Generall Council of warr is to make and Establish And the Commanders of the severall Regiments to give out Copyes of the said Articles unto their respective Officers that the Same may be publickly read once every three months unto the Soldiers whilst they are in arms that all persons may the better know and observe their Duty, and if it shall happen That any of the Officers or Soldiers shall when they are out of arms endeavour to take revenge by force for any thing his or their Superiour Officers lawfully did in pursuance of his or their duty and This Act The Said Officers and Soldiers shall be brought to a Court Martiall and there punished as if the Offence had been done in time of service or Exercise. PROVIDED That the Said punishment doe not extend to life or limb and BEE IT FURTHER ENACTED By the authority aforesaid That once every yeare or oftner if thereunto Comanded each particular Captaine shall give to his feild Officer and the feild Officer to the Captaine Generall or Commander in Cheife fair written rolls of their respective Companies and Regiments and if any feild Officer Captaine or other inferiour Officer or souldier shall neglect or Contemne performing the Lawfull Commands of their respective Superiour Officers he or they shall be punished by fine Casheering or other punishment according to the discretion of a Court Martiall which the Captaine Generall or the Commander in Cheife is to appoint and Establish AND the orders of the said Court Martiall are hereby declared to be binding in all Military affairs And if any person upon any invasion or other publick military service be wounded or disabled he shall be cured and maintained out of the Publick Revenue And if any person whatsoever shall be sued molested or impleaded for any thing lawfully Comanded in the Execution and pursuance of this present Act he shall plead the generall issue and give this act in Evidence and shall thereupon if found for him recover Costs of suite and triple damages PROVIDED alwayes and IT IS HEREBY ENACTED and declared by the authority aforesaid That the severall fines and forfeitures mentioned in this Act shall be recovered and disposed of as followeth Vizt. That all such as Doe relate to any person under the degree of a Captaine shall be to the respective Captains to defray the CHARGE of their Companies or Troops and to be levied before the next Exer-

cising day By distresse and Sale of the Offenders goods by the Captains warrant to the Sergeant or Corporall And if no distresse be found the punishment to be by rideing the wooden horse or being tyed neck and heels not exceeding an hour att the discretion of their Officers but if the Offender be a servant the Owners Goods shall be lyable to the distresses and sale as aforesaid So that Satisfaction may be made And for all other penaltyes mentioned in this Act the Same shall be levyed by distresse and sale of the Offenders goods and Chattells by the Provost Marschall by warrant from the Captaine Generall or Commander in Cheife or the Cheife feild Officer where such Offenders are One half thereof shall be unto the Captaine Generall and the other halfe unto the said feild Officer of that Regiment where the Offence is Committed And if the fines that doe relate to any person under the degree of a Captaine shall not amount unto a sune sufficient to defray the Charge of the Captains Companies or Troops That then the overplus wanting be levyed upon the severall soldiers equally by warrant or order of Collonell or Cheife Officer of the Regiment Troops or Companies and BEE IT FURTHER ENACTED by the authority aforesaid that It shall and may be lawfull for any Commission Officer belonging to the Regiment of the City of New yorke under the degree of a Captaine in the absence of the Said Captaine to grant Warrants of distresse against any persons whatsoever that shall absent themselves from their duty on the night guards without Sending a Sufficient person to serve and watch in their steade which said warrants soe granted shall be as effectuall to all intents and purposes whatsoever as if they or any of them had beene granted by the Captains themselves PROVIDED allwayes and it is hereby further Enacted and Declared by the Authority aforesaid That nothing in this Act Contained be expounded Construed or understood to Diminish alter or abridge the power of the Captaine Generall or Commander in Cheife for the time being but that in all things and upon all Occasions he may act as fully and freely as Captaine Generall and Commander in Cheife to all intents and purposes as if this Act had never been made Any thing in this Act to the Contrary notwithstanding AND IT IS FURTHER ENACTED by the Authority aforesaid That all persons listed as aforesaid Shall readily attend and serve on the watches when appointed under the penalty of three Shillings for each default AND IT IS alsoe further ENACTED by the Authority aforesaid That noe person whatsoever presume to fire any small arms after Eight of the Clock at

night unlesse in case of any alarm Insurrection or any other lawfull Occation And in either of the said Cases four musketts or small arms distinctly fired or where great gunns are The firing of One great gunn and Two musketts or small arms distinctly and beating of Drumm shall be taken for an alarme And every person That shall neglect his duty in taking and giving forward an alarm by firing as aforesaid, or shall be guilty of firing any Small arms after Eight of the clock att night unlesse as aforesaid Shall be fined or otherwise punished att the discretion of a Court Martiall not extending to life or limb and in case of such alarm every Souldier is immediately to repair armed to his Colours or Court of Guard upon the penalty of five pounds and for the better prevention of false alarms That noe Captaine Master or Commander of any Shipp or Vessell rideing at Anchor in any the harbours Ports or bayes within this Province or any other person fire any gunn after Eight of the Clock att night under penalty of forty Shillings for every gunn so fired to be levied by warrant from the Cheife Officer not under the degree of a Captaine who is hereby impowered to Administer an oath and give Judgement thereupon by Distresse or sale of the Offenders goods and for want of distresse the Said Cheife Officer Is hereby impowered to Committ such Offenders to the goale there to remain untill payment be made of the same and that in Case the said Cheife Officer shall not perform his duty therein he shall forfeite tenn pounds to be levied by warrant from the Captaine Generall or Commander in Cheife for the time being PROVIDED allwayes that this Clause shall in noe ways Concerne or Extend to any Captaine or Officer of any of his Majestyes shippes of warr for their firing att setting of the watch PROVIDED allwayes and it is hereby further Enacted and declared by the Authority aforesaid That all Trumpeters and drummers lately in Service or that shall by the severall Captains be put into That service during the Captains pleasure shall serve upon the Sallary of fourty Shillings per annum for a Trumpeter and Twenty shillings per annum for a Drummer finding their Trumpett and drumm And Twenty Shillings for a Trumpeter and tenne Shillings for a Drummer if the Captaine finde them upon penalty of forty Shillings PROVIDED allwayes and it is hereby Enacted and Declared That all the members of their Majestyes Council Justices of the peace sherriffes Coroners and all Officers of Courts Ministers Schoolmasters Physicians and Cheirurgeons shall be freed from being listed in any Troop or Company within this Province any thing contained herein to the Contrary in any wise notwithstanding.



The County of *Richmond* to contain all *Staten Island*, *Shooters Island*, and the Islands of *Meddow* on the West side thereof.

*Kings County* to contain the several Towns of *Bushwick*, *Bedford*, *Brookline*, *Flatbush*, *Flatlands*, *Newtruche* and *Graves-End*, with the several Settlements and Plantations adjacent.

*Queens County* to contain the several Towns of *Newtown*, *Jamaica*, *Flushing*, *Hempstead*, *Oyster-Bay*, with *Horse Neck*, and the several out-Farms, Necks, Settlements and Plantations adjacent, and the Island called the *Two Brothers*, and *Hullets Island*.

The County of *Suffolk* to contain the several Towns of *Huntington*, *Smithfield*, *Brookhaven*, *Southampton*, *Southold*, *Easthampton* to *Montauk Point*, *Shelters Island*, *Ile of Wight*, *Fishers Island* and *Plumb Island*, with the several Out-Farms, Settlements and Plantations adjacent.

*Dukes County* to contain the Island of *Mantucket*, *Martins Vineyard*, *Elizabeth Island*, and *No Mans Land*.

The County of *Cornwall* to contain *Pemy Quid*, and all the Territories in those parts, with the Islands adjacent.

*An Act for the raising and paying one Hundred and Fifty Men, to be forthwith raised, for the Defence and Re-inforcement of Albany for six Moneths.*

W<sup>H</sup>ereas the Fronteers of *Albany* are in eminent danger to be lost, being daily threatened to be invaded by the *French*, their Majesties declared Enemies. And forasmuch as the safety of this, and all their Majesties Neighbouring Plantations, doth only depend on having that place well secured; and for the effectual doing thereof, Application hath been made unto the Neighbouring Plantations, but hath had no effect; and there being now an absolute necessity for the Re-inforcing of the Fronteers of this Province in the County of *Albany*, as well for the securing their Majesties neighbouring Plantations, as for the preserving the *Indians* and this Province. Be it therefore Enacted by the Commander in chief and Council, and Representatives convened in General Assembly, and by the Authority of the same, That the Commander in chief do raise one hundred and fifty Men, with their proper Officers, for the Reinforcement of the Fronteers of this Province in the County of Albany aforesaid, which shall remain in the said County, for the Defence thereof, six Moneths, to commence on the first day of November next, and to end the first day of May then following.

And for the paying and maintaining the said one hundred and fifty men, and their proper Officers, Be it therefore Enacted by the Authority aforesaid,

aforesaid, That a Levy of fifteen Hundred Pounds currant Money of this Province, be laid, assessed, raised and levied upon all and every of the Inhabitants, Residents and Freeholders of and in this Province, for the paying and maintaining of the said one hundred and fifty men, and their proper Officers, for six Months, as aforesaid, and for no other use, intent or purpose whatsoever. To be laid, assessed, raised, levied and paid to their Majesties Collector and Receiver General for the time being, at their Majesties Custom-house in the City of *New-York*, on the 25th day of *March* next ensuing, which shall be in the Year of our Lord 1692. according to the Rates and Proportions following, that is to say,

For the City and County of *New-York*, Three Hundred Pounds.

For the City and County of *Albany* one hundred and thirty Pounds.

For the County of *Westchester*, one hundred and five Pounds.

For the County of *Richmond*, Ninety Pounds.

For the County of *Ulster* and *Dutchess County*, one hundred and eighty seven Pounds ten Shillings.

For the County of *Suffolk*, two hundred and sixty two Pounds ten Shillings.

For *Kings County*, one hundred ninety five Pounds.

For the County of *Orange*, eleven pound five Shillings.

For *Dukes County*, eighteen pound fifteen Shillings

And be it further Enacted by the Authority aforesaid, That for the better assessing, raising & paying the sum of one thousand five hundred Pounds aforesaid, The Mayor and Aldermen in the City of *New-York*, the Mayor and Aldermen within the City of *Albany*, with the Justices of the Peace for the City and County of *Albany* for the time being, and the Justices of the Peace, for the time being, for the several respective Counties aforesaid, for the several Counties respectively, for the which they shall be Justices of the Peace, do within forty dayes after the publication hereof, assemble and meet together in the Court Houses for the several respective Cities and Counties, or such other place or places as they shall agree upon among themselves, and shall there order that the Assessors and Collectors for the several respective Cities, Towns, Mannors or Liberties, within their several Jurisdictions, for the assessing, collecting and receiving of the publick Rates, for the defraying of the publick Charge of each respective City and County aforesaid, be the Assessors and Collectors, for the assessing, collecting or receiving the sum or sums of Money herein before mentioned, according to the Proportions before expressed, as to the said Mayors, Aldermen and Justices shall seem meet and reasonable.

And forasmuch as there are several Mannors and Jurisdictions within the respective Counties aforesaid, who neglect or do not elect annually or once every year Assessors or Collectors, whereby the intent of this Act may be frustrated, Be it therefore Enacted by the Authority aforesaid, That if the respective Mannors & Jurisdictions within the several

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Counties



Counties aforesaid, shall refuse or neglect to elect Assessors and Collectors, for assessing of their respective Mannors or Jurisdictions, and for the collecting the same, according to the intent and direction of this Act, then and in such case the Justices of the Peace in the Counties where such Mannors or Jurisdictions are, are hereby empowered and authorized to nominate and appoint Assessors and Collectors for such Mannors or Jurisdictions as shall neglect or refuse, as aforesaid. Which Assessors and Collectors, shall, to all intents and purposes observe the directions of this Act, any thing contained herein to the contrary hereof in any ways notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Mayors, Aldermen and Justices of the Peace for the respective Cities, Counties, Mannors and Jurisdictions, have, and shall have Power and Authority, by virtue of this Act, each of them by himself to administer an Oath to the said Assessors, *Well and truly, equally, impartially, and in due Proportion, as it shall appear to them, according to their best Understanding, to assess and rate the Inhabitants, Residents and Free-holders of the respective places for which they shall be chosen Assessors.*

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, who shall be chosen Assessors or Collectors, shall deny, neglect, or unequally and partially assess, or refuse to make such Assessment as by this Act is required, or shall deny, neglect, or refuse to collect any sum or sums of Money, in form before mentioned assessed, that then and in such case it shall and may be lawfull for any two of their Majesties Justices of the Peace of the Cities and Counties where such Offendors shall happen to dwell or reside, and who by virtue of this Act are required and empowered to do the same, by Warrant under their Hands and Seals to commit such Assessors or Collectors, so denying, neglecting, or unequally and partially assessing, or refusing to collect, as aforesaid, to the common Goal, there to remain without Bail or Mainprize till he or they shall make Fine or Ransom to their Majesties for such Contempt as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, of what Degree or Quality soever he or they be within this Province, who shall be assessed or rated any sum or sums of Money, by virtue of this Act to be raised and levied, shall deny, refuse or delay to pay and satisfy the same, that then it shall and may be lawfull for any such Collector, by virtue of a Warrant under the Hand of any of the Justices for the City and County where such Offendors shall dwell or reside, who, by virtue of this Act are required and authorized to grant and issue forth such Warrant, to levy the same, by distress and sale of such Person or Persons Goods and Chattels, returning the Over-plus, if any be, to the Owners, the sum assessed and Charges of Distress and Sale being first deducted.

And

And also, be it further Enacted by the Authority aforesaid, That if any Mayor, Alderman or Justice of the Peace within this Province, who are hereby required, impowered and authorized to take effectual care, that this Act and every Clause therein be duly executed according to the true and genuine sense and intent thereof, shall deny, refuse, neglect or delay to do, perform, fullfill and execute all or every or any of the Duties, Powers and Authorities by this Act required and impowered, by him or them to be done, performed, fullfilled and executed, and shall thereof be lawfully convicted before any of their Majesties Courts of Record within this Province, he or they shall suffer such pain by Fine or Imprisonment, as by the Discretion of the Justices of the said Courts shall be adjudged.

And be it further Enacted by the Authority aforesaid, That if any Action, Bill, Plaint or Information shall be brought, moved or presented at any time hereafter against any Person or Persons, for any matter, cause or thing done or acted in pursuance or execution of this Act, such Person or Persons so sued or prosecuted in any Court whatsoever, shall and may plead the general Issue, *Not Guilty*, and give this Act and the special matter in Evidence; and if the Plaintiff or Prosecutor shall be non-suited, or forbear further Prosecution, or suffer Discontinuance or Verdict to pass against him, the Defendant or Defendants shall have triple Costs, for which they shall have like liberty as in case where Costs by Law are given to Defendants. Provided alwayes, That no Mayor, Aldermen or Justices of the Peace shall be troubled, sued, prosecuted or molested for any omission, offence, or neglect, by virtue of this Act, but within the space of one year after such omission offence or neglect, and not at any time thereafter, any thing herein contained to the contrary hereof in any wise notwithstanding.

Alwayes provided, and be it further Enacted by the Authority aforesaid, That the several Collectors of each respective City and County as aforesaid, shall have the liberty to pay the several and respective sums assessed, as aforesaid, at the day aforementioned, in Silver Money, or for want thereof in good sufficient and merchantable Provisions at the currant Market Price in Silver Money at *New-York*, any thing contained herein to the contrary hereof in any ways notwithstanding.

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*An Act for the Regulating the Buildings, Streets, Lanes, Wharffs, Docks and Allyes of the City of New-York.*

W Hereas the City of *New-York*, and Metropolis of this Province, was chiefly crected by the Inhabitants thereof for the propagating



Mayor and Aldermen, &c. so authorized as aforesaid, by Order or Warrant under their Hands and Seals, to leavy the said sum and sums of Money, so assessed, by distress and sale of the Goods of the Parties chargeable therewith, and refusing or neglecting to pay the same, rendring the over-plus, if any be.

Alwayes provided, and be it further Enacted by the Authority aforesaid, That nothing herein contain'd shall be construed to change, alter, shorten, lengthen, narrow or enlarge any of the Streets, Allyes and Lanes within this City, as they are now laid out and remain at the Publication hereof. Nor to break thorow any Persons Ground now in Fence or Enclosed, or to take away any Persons House or Habitations, any thing herein contained to the contrary hereof in any ways notwithstanding.

See also original p. 47

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## Acts passed in the third Sesssions of the General Assembly, begun in the City of *New-York*, April 19. 1692.

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### *An Act for the raising two hundred Men with their proper Officers for the securing and re-inforcing of Albany in the Fronteers of this Province.*

**W**Hereas the Forces lately raised for the Re-inforcing and Securing the Fronteers at *Albany*, are not to continue in that service any longer than the first of *May* next ensuing. And forasmuch as it is still absolutely necessary for the safety of all their Majesties Neighbouring Cellonies and Plantations, as well for the security of this Province, that there be and remain at that place sufficient Force for the Defence thereof. And whereas the present State & Condition of this Province is such, that they are not able at this time to make sufficient Provision of Men and Money, for the re-inforcing of that place, as is truly necessary for the maintaining such a considerable Post, which is the only Bull-work of Defence for all their Majesties Neighbouring Collonies and Plantations in this main of *America*; yet that the said place may not be deserted, nor the *Indians*, who have been so constant to us discouraged, Be it therefore Enacted by the Commander in chief and Council, and Representatives convened in General Assembly, and by the Authority of the same, That the Commander in chief do issue out his Warrants to the chief Military Officers in the respective Cities and Counties under-named, for the raising of 200 men, armed as the  
Law

Law directs, with their proper Officers, in such Proportions hereafter mentioned, to consist and make two distinct Companies of Fuzileers, for the Reinforcement and Security of the Frontiers of this Province in the County of *Albany* aforesaid, which shall continue and remain in the said County of *Albany*, for the Defence and Security thereof for the term and space of five Moneths, to commence on the first day of *May* next, and to end and terminate on the first day of *October* then following.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, who in pursuance of such Warrant or Warrants, to be by the Commander in chief issued out to the chief Military Officer of each respective City and County or Counties, as aforesaid, shall be warned to appear in Arms, in order to the raising the 200 men aforesaid, shall neglect delay or refuse to appear, or otherwise absent him or themselves shall forfeit the sum of five Pounds currant Money, to be levied by Distress, by Warrant under the Hand and Seal of any Justice of the Peace within this Province, on the Goods and Chattels of every such Person or Persons so offending as aforesaid, upon a Certificate of such Default, from the Captain or chief Officer of such Company, in or to which the said Offender shall be listed or belong, under his Hand & Seal, which said sum of  $\text{£} 5$  shall be employed for the encouragement and raising the Quota of men, by this Act, in each respective City & County or Counties to be raised, as aforesaid. And in case such Person or Persons so offending as aforesaid, shall not have Goods and Chattels to be found to pay and satisfy the sum of five Pounds aforesaid, such Person or Persons, upon such Certificate, and by such Warrant as aforesaid, shall be committed to the common Goal of the same City or County or Counties there to remain without Bail or Mainprize for the space or term of five Moneths, or untill he or they shall satisfy the sum of five Pounds aforesaid.

And for the paying and maintaining the said two hundred men, and their proper Officers, Be it further Enacted by the Authority aforesaid, That a Levy of fifteen Hundred Pounds currant Money of this Province, be laid, assessed, raised and levied upon all and every the Inhabitants, Residents and Freeholders of and in this Province, for the paying and maintaining of the said two hundred men, and their proper Officers, for five Months, as aforesaid, and for no other use, intent or purpose whatsoever. To be laid, assessed, raised, levied and paid to their Majesties Collector and Receiver General for the time being, at their Majesties Custom-house in the City of *New-York*, on the first day of *September*, next ensuing, which shall be in the Year of our Lord 1692. according to the Rates and Proportions following, that is to say,

For the City and County of *New-York*, 345  $\text{£}$ . for the paying and maintaining 46 men, being their Quota and Proportion of the 200 men aforesaid.

For



For the County of *Westchester*, 127 *l.* 10 *s.* for the paying and maintaining 17 men, being their quota and proportion, as aforesaid.

For the County of *Richmond*, 57 *l.* 10 *s.* for the paying and maintaining of nine men, being their quota and proportion, as aforesaid.

For the County of *Ulster* and *Dutches County*, 210 *l.* for the paying and maintaining 28 men, being their quota and proportion, as aforesaid.

For the County of *Suffolk*, 300 *l.* for the paying and maintaining 40 men, being their quota and proportion, as aforesaid.

For *Kings County*, 210 *l.* for the paying and maintaining 28 men, being their quota and proportion, as aforesaid.

For *Queens County*, 225 *l.* for the paying & maintaining 30 men, &c.

For the County of *Orange*, 15 *l.* for the paying and maintaining two men, being their quota and proportion, as aforesaid.

And also, be it Enacted by the Authority aforesaid, That such sum or sums of Money of the several sums of 2500 *l.* lately raised by the Act of General Assembly, for the paying and defraying of the Charges of 250 Fuzileers, with their Officers, raised for the securing and defence of *Albany*, which shall and doth remain undisposed of, and not employed for the Uses aforesaid, shall be laid out and applyed towards the defraying the incidental Charge or Expence which shall or may happen or be occasioned by the raising, transporting and maintaining of the two hundred Fuzileers, with their proper Officers, before in this Act mentioned and expressed.

And be it further Enacted by the Authority aforesaid, That for the better assessing, raising & paying the sum of one thousand five hundred Pounds aforesaid, The Mayor and Aldermen in the City of *New-York*, for the time being, and the Justices of the Peace, for the time being, for the several respective Counties aforesaid, for the several Counties respectively, for the which they shall be Justices of the Peace, do within forty dayes after the publication hereof, assemble and meet together in the Court Houses for the several respective City and Counties, or such other place or places as they shall agree upon among themselves, and shall there order that the Assessors and Collectors for the several respective City, Towns, Mannors or Liberties, within their several Jurisdictions, for the assessing, collecting and receiving of the publick Rates, for the defraying of the publick Charge of each respective City and County aforesaid, be the Assessors and Collectors, for the assessing, collecting or receiving the sum or sums of Money herein before mentioned, according to the Proportions before expressed, as to the said Mayor, Aldermen and Justices shall seem meet and reasonable.

And forasmuch as there are several Mannors and Jurisdictions within the respective Counties aforesaid, who neglect or do not elect annually or once every year Assessors or Collectors, whereby the intent of this Act may be frustrated, Be it therefore Enacted by the Authority aforesaid,

said, That if the respective Mannors & Jurisdictions within the several Countes aforesaid, shall refuse or neglect to elect Assessors and Collectors, for assessing of their respective Mannors or Jurisdictions, and for the collecting the same, according to the intent and direction of this Act, then and in such case the Justices of the Peace in the Counties where such Mannors or Jurisdictions are, are hereby empowered and authorized to nominate and appoint Assessors and Collectors for such Mannors or Jurisdictions as shall neglect or refuse, as aforesaid. Which Assessors and Collectors, shall, to all intents and purposes observe the directions of this Act, any thing contained herein to the contrary hereof in any ways notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Mayors, Aldermen and Justices of the Peace for the respective Cities, Counties, Mannors and Jurisdictions, have, and shall have Power and Authority, by virtue of this Act, each of them by himself to administer an Oath to the said Assessors, *Well and truly, equally, impartially, and in due Proportion, as it shall appear to them, according to their best Understanding, to assess and rate the Inhabitants, Residents and Free-holders of the respective places for which they shall be chosen Assessors.*

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, who shall be chosen Assessors or Collectors, shall deny, neglect, or unequally and partially assess, or refuse to make such Assessment as by this Act is required, or shall deny, neglect, or refuse to collect any sum or sums of Money, in form before mentioned assessed, that then and in such case it shall and may be lawfull for any two of their Majesties Justices of the Peace of the Cities and Counties where such Offendors shall happen to dwell or reside and who by virtue of this Act are required and empowered to do the same, by Warrant under their Hands and Seals to commit such Assessors or Collectors, so denying, neglecting, or unequally and partially assessing, or refusing to collect, as aforesaid, to the common Goal, there to remain without Bail or Mainprize till he or they shall make Fine or Ransom to their Majesties for such Contempt as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, of what Degree or Quality soever he or they be within this Province, who shall be assessed or rated any sum or sums of Money, by virtue of this Act to be raised and levied, shall deny, refuse or delay to pay and satisfy the same, that then it shall and may be lawfull for any such Collector, by virtue of a Warrant under the Hand of any of the Justices for the City and County where such Offendors shall dwell or reside, who by virtue of this Act are required and authorized to grant and issue forth such Warrant, to levy the same, by distress and sale of such Person or Persons Goods and Chattels, returning the Over-plus, if any be, to the Owners, the sum assessed and Charges of Distress and Sale being first deducted.

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And.



And also, be it further Enacted by the Authority aforesaid, That if any Mayor, Alderman or Justice of the Peace within this Province, who are hereby required, impowered and authorized to take effectual care, that this Act and every Clause therein be duly executed according to the true and genuine sense and intent thereof, shall deny, refuse, neglect or delay to do, perform, fulfill and execute all or every or any of the Duties, Powers and Authorities by this Act required and impowered, by him or them to be done, performed, fulfilled and executed, and shall thereof be lawfully convicted before any of their Majesties Courts of Record within this Province, he or they shall suffer such pain by Fine or Imprisonment, as by the Discretion of the Justices of the said Courts shall be adjudged.

And whereas there hath been great neglect in the Justices of the Peace, Collectors and Assessors, who have delayed executing their respective Duties, according to the true intent and meaning of the former Acts made in several Sessions of this present Assembly ; For the prevention of the like for the future, Be it further Enacted by the Authority aforesaid, That if any of the respective Cities and Counties aforesaid shall refuse, neglect or delay to have their respective Quota or Proportion of Men at the City of *New-York*, or at the City of *Albany*, on or before the 20th day of *May* now next ensuing, pursuant to the Warrant directed to them from the Commander in chief, as aforesaid ; And also, if any of the respective Cities and Counties aforesaid, shall refuse, delay or neglect to make payment of the several respective Sums or Proportions of Money, by them respectively to be paid, as aforesaid, at the time and place above mentioned and appointed, That then, and for every day after the said day afore-mentioned and appointed for the payment thereof, or until the whole Sums and Proportions of each respective City and County shall be fully paid and satisfied, such City and County or Counties that shall be defective therein, shall each and every of them forfeit and pay for the intent aforesaid, the farther Sum of five Pounds current Money aforesaid, for each dayes default or neglect of having their quota of Men or Payment of their respective Proportions at the times appointed.

And for the enabling the Commander in chief to borrow Money, or to agree for Provisions for the maintaining of the two Companies aforesaid, that the purposes of this Act may be truly attended and executed, Be it Enacted by the Authority aforesaid, That it shall and may be lawful for any Person or Persons to advance & lend to the Commander in chief, &c. upon the Credit of this Act any Sum or Sums of Money, not exceeding the Sum of 700 *l.* and to have and receive for the forbearance of all such Money as shall be lent, Interest not exceeding the Rate of *Ten per Cent. per Annum.*

And to the end that all Monyes and Provisions which shall be so lent unto

unto the Commander in chief, &c. may be well and sufficiently secured out of the Moneys arising and payable by this Act, with the Interest for the same, not exceeding *Ten per Cent. per Annum*, as aforesaid, Be it further Enacted by the Authority aforesaid, That their Majesties Collector and Receiver General for the time being, shall separate and keep apart all the Money arising by the Rates & Proportions hereby granted, as the same shall arise and be paid unto him by the Receivers or Collectors of the same, or by any other Person whatsoever, keeping a perfect and distinct Account, as the same shall come in : Which Sum or Sums of Money, so by him received, as aforesaid, shall not be separated or paid unto any other Person or Persons whatsoever, but unto such as shall lend any Money to the Commander in chief, &c. upon the Credit of this Act, who shall immediately have a Warrant and an Order for the Repayment, bearing the same date in which he paid his Money, wherein shall likewise be contained the Interest for forbearance; and that all Orders for Re-payment shall be Registered in course, according to the date of the Warrant respectively, without preference of one before another. And that all and every Person or Persons shall be paid in course, according as their Orders shall stand Registered or entered; and that the Money to come in by this Act shall be in the same Order lyable to the satisfaction of the said respective Parties, their Executors, Administrators or Assigns, successively, without preference of one before another, and not otherwise; and not to be divertible to any other use, intent or purpose whatsoever.

And be it further Enacted by the Authority aforesaid, That if any Action, Bill, Plaint or Information shall be brought, moved or presented at any time hereafter against any Person or Persons, for any matter, cause or thing done or acted in pursuance or execution of this Act, such Person or Persons so sued or prosecuted in any Court whatsoever, shall and may plead the general issue, *Not Guilty*, and give this Act and the special matter in Evidence; and if the Plaintiff or Prosecutor shall be non-suited, or forbear further Prosecution, or suffer Discontinuance or Verdict to pass against him, the Defendant or Defendants shall have triple Costs, for which they shall have like liberty as in case where Costs by Law are given to Defendants. Provided alwayes, That no Mayor, Aldermen or Justices of the Peace shall be troubled, sued, prosecuted or molested for any omission, offence, or neglect, by virtue of this Act, but within the space of one year after such omission offence or neglect, and not at any time thereafter, any thing herein contained to the contrary hereof in any wise notwithstanding.

Alwayes provided, and be it further Enacted by the Authority aforesaid, That the several Collectors of each respective City and County as aforesaid, shall have the liberty to pay the several and respective sums assessed, as aforesaid, at the day aforementioned, in Silver Money, or for want thereof in good sufficient and merchantable Provisions at the current Market Price in Silver Money at *New-York*, any thing contained herein to the contrary hereof in any ways notwithstanding.

*Ad*



Acts passed in the fourth Sessions of the General Assembly, begun in the City of *New-York*, the 14 day of *August*, Annoq; Dom. 1692. in the 4th Year of their Majesties Reign, King *William* and Queen *Mary*, under the Government of his Excellency *Benjamin Eletcher*, Esq; Captain General and Governour in chief in and over their Majesties Province of *New-York*, and Territories thereon depending in *America*.

*An Act for the raising and pay two hundred and twenty Men with their proper Officers, together with the incidental Charges that shall arise thereon, for the Re-inforcement and Security of the Fronteers of this Province, at Albany, for 7 Months.*

Whereas the Levys appointed for the Defence of the Fronteers of this Province at *Albany*, do expire on the first day of *October* next, and that it is absolutely necessary that there should be continued at that place a considerable Force for the security of this Province, as well as for the necessary Defence of their Majesties Neighbouring Plantations, Be it therefore Enacted by the Governour, Council, and Representatives convened in General Assembly, and by the Authority of the same, That his Excellency the Captain General do immediately upon the Publication hereof, issue out his Warrants under his Hand and Seal, to the severall and respective Military Officers of the severall and respective Counties hereafter named, for the raising of 220 men, well provided with Arms, to be peremptorily at Albany on the first day of October next ensuing, and there to continue and remain for the Reinforcement and Security of this Province, for the term and space of seven Kalender Moneths, to commence on the said first day of October, and to expire on the first day of May then next ensuing, in such quota's and proportions in each respective County, as is hereafter specified and expressed, to wit,

For the City and County of *New-York*, sixty effective men.

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For

150. N. Y.—General Assembly; L & A, Bradford, 1694 (Grolier facsimile, 1894); Act, Aug. 14, 1692, pp. 53-57.

For the County of *Westchester*, twenty five effective men.

For the County of *Richmond*, ten effective men.

For *Kings County*, thirty four effective men.

For *Queens County*, forty four effective men

For the County of *Suffolk*, forty five effective men.

For the County of *Orange*, two effective men.

And be it further Enacted by the Authority aforesaid, That if any of the respective Military Officers in the respective Counties aforesaid, shall after the Receipt of the Warrants from the Captain General, in manner aforesaid, fail, neglect, refuse or delay to execute the said Warrants, according to the true intent and meaning thereof, shall for such their failure, or neglect, refusal or delay, answer the same before the Captain General or such other Officers as he shall appoint, and there suffer such Mulcts, Pains and Punishment, as by the Captain General shall be thought convenient, according to the Laws and Articles of War in that case made and provided in their Majesties Realm of *England*, any thing contained herein, or any other Law to the contrary hereof in any ways notwithstanding.

And for the paying and maintaining the said two hundred & twenty men, and their proper Officers, Be it further Enacted by the Authority aforesaid, That a Levy of two Thousand eight Hundred and sixty Pounds currant Money of this Province, be laid, assessed, raised and levied upon all and every the Inhabitants, Residents and Freeholders of and in this Province, for the paying and maintaining of the said two hundred and twenty men, and their proper Officers, together with the incidental Charges that shall arise thereon, for seven Kalendarly Months, as aforesaid, and for no other use, intent or purpose whatsoever. To be laid, assessed, raised, levied and paid to their Majesties Collector and Receiver General for the time being, at their Majesties Custom-house in the City of *New-York*, on the first day of *April* next ensuing, which will be in the Year of our Lord 1693. according to the Rates and Proportions following, that is to say,

For the City and County of *New-York*, 780 *l.* for the paying and maintaining 60 men, being their Quota and Proportion of the 220 men and Officers aforesaid.

For the County of *Westchester*, 325 *l.* for the paying and maintaining 25 men, being their quota and proportion, as aforesaid.

For the County of *Richmond*, 130 *l.* for the paying and maintaining of ten men, being their quota and proportion, as aforesaid.

For the County of *Suffolk*, 585 *l.* for the paying and maintaining 45 men, being their quota and proportion, as aforesaid.

For *Kings County*, 442 *l.* for the paying and maintaining 44 men, being their quota and proportion, as aforesaid.

For *Queens County*, 572 *l.* for the paying & maintaining 34 men, being their quota and proportion aforesaid.

For the County of *Orange*, 26 *l.* for the paying and maintaining two men, being their quota and proportion, as aforesaid.



And be it further Enacted by the Authority aforesaid, That for the better assessing, raising & paying the sum of two thousand eight hundred and sixty Pounds aforesaid, The Mayor and Aldermen in the City of *New-York*, for the time being, and the Justices of the Peace, for the time being, for the several and respective Counties aforesaid, for the several Counties respectively, for the which they shall be Justices of the Peace, do within forty dayes after the publication hereof, assemble and meet together in the Court Houses for the several respective Cityes and Counties, or such other place or places as they shall agree upon among themselves, and shall there order that the Assessors and Collectors for the several respective Citys, Towns, Mannors or Liberties, within their several Jurisdictions, for the assessing, collecting and receiving of the publick Rates, for the defraying the publick and necessary Charges of each respective City and County aforesaid, be the Assessors and Collectors, for the assessing, collecting or receiving the sum or sums of Money herein before mentioned, according to the Proportions before expressed, as to the said Mayor, Aldermen and Justices shall seem meet and reasonable.

And forasmuch as there are several Mannors and Jurisdictions within the respective Counties aforesaid, who neglect or do not elect annually or onse every year Assessors or Collectors, whereby the intent of this Act may be frustrated, Be it therefore Enacted by the Authority aforesaid, That if the respective Mannors & Jurisdictions within the several Counties aforesaid, shall refuse or neglect to elect Assessors and Collectors, for assessing of their respective Mannors or Jurisdictions, and for the collecting the same, according to the intent and direction of this Act, then and in such case the Justices of the Peace in the Counties where such Mannors or Jurisdictions are, are hereby empowered and authorized to nominate and appoint Assessors and Collectors for such Mannors or Jurisdictions as shall neglect or refuse, as aforesaid. Which Assessors and Collectors, shall, to all intents and purposes observe the directions of this Act, any thing contained herein to the contrary hereof in any ways notwithstanding.

And be it further Enacted by the Authority aforesaid, That the said Mayors, Aldermen and Justices of the Peace for the respective Cities, Counties, Mannors and Jurisdictions, have, and shall have Power and Authority, by virtue of this Act, each of them by himself to administer an Oath to the said Assessors, *Well and truly, equally, impartially, and in due Proportion, as it shall appear to them, according to their best Understanding, to assess and rate the Inhabitants, Residents and Free-holders of the respective places for which they shall be chosen Assessors.*

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, who shall be chosen Assessors or Collectors, shall deny, neglect, or unequally and partially assess, or refuse to make  
such



such Assessment as by this Act is required, or shall deny, neglect, or refuse to collect any sum or sums of Money, in form before mentioned assessed, that then and in such case it shall and may be lawfull for any two of their Majesties Justices of the Peace of the Cities and Counties where such Offendors shall happen to dwell or reside. and who by virtue of this Act are required and impowered to do the same, by Warrant under their Hands and Seals to commit such Assessors or Collectors, so denying, neglecting, or unequally and partially assessing, or refusing to collect, as aforesaid, to the common Goal, there to remain without Bail or Mainprise till he or they shall make Fine or Ransom to their Majesties for such Contempt as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Person or Persons, of what Degree or Quality soever he or they be within this Province, who shall be assessed or rated any sum or sums of Money, by virtue of this Act to be raised and levied, shall deny, refuse or delay to pay and satisfy the same, that then it shall and may be lawfull for any such Collector, by virtue of a Warrant under the Hand & Seal of any of the Justices for the City and County where such Offendors shall dwell or reside, who, by virtue of this Act are required and authorized to grant and issue forth such Warrant, to levy the same, by distress and sale of such Person or Persons Goods and Chattels, returning the Over-plus, if any be, to the Owners, the sum assessed and Charges of Distress and Sale being first deducted.

And also, be it further Enacted by the Authority aforesaid, That if any Mayor, Alderman or Justice of the Peace within this Province, who are hereby required, impowered and authorized to take effectual care, that this Act and every Article and Clause therein be duely executed according to the true intent thereof, shall deny, refuse, neglect or delay to do, perform, fulfill and execute all or every or any of the Duties, Powers and Authorities by this Act required and impowered, by him or them to be done, performed, fulfilled and executed, and shall thereof be convicted before his Excellency the Captain General and Council, or before any of their Majesties Courts of Record within this Province, he or they shall suffer such pain by Fine or Imprisonment, as by the Discretion of the said Governour and Captain General and Council, and the Justices of the said Courts shall be adjudged.

And be it further Enacted by the Authority aforesaid, That if any Action, Bill, Plaint or Information shall be brought, moved or presented at any time hereafter against any Person or Persons, for any matter, cause or thing done or acted in pursuance or execution of this Act, such Person or Persons so sued or prosecuted in any Court whatsoever, shall and may plead the general Issue, *Not Guilty*, and give this Act and the special matter in Evidence; and if the Plaintiff or Prosecutor shall be non-suited, or forbear further Prosecution, or suffer Discontinuance or  
Verdict

Verdict to pass against him, the Defendant or Defendants shall have triple Costs, for which they shall have like Remedy, as in case where Costs by Law are given to Defendants. Provided always, That no Mayor, Aldermen or Justices of the Peace shall be troubled, sued, prosecuted or molested for any omission, offence, or neglect, by virtue of this Act, but within the space of one year after such omission offence or neglect, and not at any time thereafter, any thing herein contained to the contrary hereof in any wise notwithstanding.

Always provided, and be it Enacted by the Authority aforesaid, That the several Collectors of each respective City and County, as aforesaid, shall have the liberty to pay the several and respective sums assessed, as aforesaid, at the day aforementioned, in current Silver Money, at *New-York*, or for want thereof in good sufficient and merchantable Provisions at the Rates and Prices hereafter specified and expressed, to wit, good and merchantable Pork at the Rate of Fifty Shillings per Barrel, the Barrel well Re-packed by the sworn Packer of *New-York*, and the Barrel containing thirty one Gallons and half *Winchester* Measure, at least. Beef at the Rate of thirty two Shillings and six Pence per Barrel, well re-packed by the sworn Packer of *New-York* aforesaid, the Barrel to contain thirty one Gallons and half *Winchester* Measure, at least. Good merchantable Winter Wheat at four Shillings per Bushel. Tried-Tallow at four Pence half Penny per Pound.

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*An Act for the raising and paying of Eighty Men in Ulster and Dutches County, to be employed for the Re-inforcing and Security of Albany, from the 15<sup>th</sup> Day of December next, to the first of March then next ensuing.*

**W**Hercas it is convenient that the County of *Ulster* and *Dutches County* should be excused from their Quota's of 300 Men, since they are to provide eighty men for the Re-inforcement of *Albany* in the time of the most eminent danger, Be it Enacted by the Governour and Council, and Representatives convened in General Assembly, and by the Authority of the same, That the Governour do issue out his Warrant under his Seal to the Military Officers of *Ulster* and *Dutches County*, to levy eighty effective Men, with their Arms to be peremptorily at *Albany* on the 15<sup>th</sup> day of *December* next, and there to continue and remain for the Re-inforcement, Security and Defence of the Frontiers there, until the first day of *March* then next following And also that the said Captain General would form the said Number of eighty effective men into such Companies as he shall think convenient, and to

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Verdict to pass against him, the Defendant or Defendants shall have triple Costs, for which they shall have like Remedy, as in case where Costs by Law are given to Defendants. Provided always, That no Mayor, Aldermen or Justices of the Peace shall be troubled, sued, prosecuted or molested for any omission, offence, or neglect, by virtue of this Act, but within the space of one year after such omission offence or neglect, and not at any time thereafter, any thing herein contained to the contrary hereof in any wise notwithstanding.

Always provided, and be it Enacted by the Authority aforesaid, That the several Collectors of each respective City and County, as aforesaid, shall have the liberty to pay the several and respective sums assessed, as aforesaid, at the day aforementioned, in current Silver Money, at *New-York*, or for want thereof in good sufficient and merchantable Provisions at the Rates and Prices hereafter specified and expressed, to wit, good and merchantable Pork at the Rate of Fifty Shillings per Barrel, the Barrel well Re-packed by the sworn Packer of *New-York*, and the Barrel containing thirty one Gallons and half *Winchester* Measure, at least. Beef at the Rate of thirty two Shillings and six Pence per Barrel, well re-packed by the sworn Packer of *New-York* aforesaid, the Barrel to contain thirty one Gallons and half *Winchester* Measure, at least. Good merchantable Winter Wheat at four Shillings per Bushel. Tryed-Tallow at four Pence half Penny per Pound.

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*An Act for the raising and paying of Eighty Men in Ulster and Dutches County, to be employed for the Re-inforcing and Security of Albany, from the 15<sup>th</sup> Day of December next, to the first of March then next ensuing.*

WHEREAS it is convenient that the County of *Ulster* and *Dutches County* should be excused from their Quota's of 300 Men, since they are to provide eighty men for the Re-inforcement of *Albany* in the time of the most eminent danger, Be it Enacted by the Governour and Council, and Representatives convened in General Assembly, and by the Authority of the same, That the Governour do issue out his Warrant under his Seal to the Military Officers of *Ulster* and *Dutches County*, to levy eighty effective Men, with their Arms to be peremptorily at *Albany* on the 15<sup>th</sup> day of *December* next, and there to continue and remain for the Re-inforcement, Security and Defence of the Frontiers there, until the first day of *March* then next following And also that the said Captain General would form the said Number of eighty effective men into such Companies as he shall think convenient, and to

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151. N. Y.—General Assembly; L & A, Bradford, 1694 (Grolier facsimile, 1894); Act circa, Aug. 14, 1692, pp. 57-58.



Commissionate and appoint so many Officers over them as he shall think needful in the said County.

And be it further Enacted by the Authority aforesaid, That the said Counties of *Ulster* and *Dutches County*, shall at their own proper Cost and Charge well and sufficiently provide, that the said eighty effective men be well supplied with good and wholsom Provisions of Beer, Bread and Meat, and Ammunition, during the time that they shall be employed in the service aforesaid, and also take effectual care that all and every of the said effective Men be well paid, according to the Kings establishment, after the expiration of the said Service; and likewise, that they shall pay and satisfie such Officers as shall be Commissionated and appointed over them, according to the Kings establishment aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Officer, Civil or Military, within the said County, shall delay, neglect or refuse to perform and execute the severall and respective Articles and Clauses of this Act, according to the true intent and meaning thereof, he or they so neglecting, refusing or delaying, shall be lyable to such Penalties respectively, as are in case of such refusal, neglect or delay provided in the other Act of this present Sessions, entituled, *An Act for raising and paying two hundred and twenty Men, &c.*

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## Acts passed in the fifth Sessions of General Assembly, begun in the City of *New-York*, the 24<sup>th</sup> of *October*, 1692.

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### *Act for establishing a Revenue upon their Majesties, and for defraying the publick and necessary Charges of the Government.*

**T**He Representatives of their Majesties Province of *New-York*, convened in General Assembly, taking into their Consideration that the Act made for establishing a Revenue for the defraying the publick Charges of the Province, doth expire and terminate, according to the Limitations in the said Act made and provided, on the eighteenth day of *May* next. And they being likewise sensible of the great and urgent occasions which do daily press their Majesties to an extraordinary Expence for the Defence of this their Province and Dominion, against the Designs and Invasions of the common Enemy : And finding it also necessary

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Anno Regni Gulielmi & Mariæ,  
REGIS & REGINÆ,  
Angliæ, Scotiæ, Franciæ & Hiberniæ,  
Q U I N T O.

The 10th of April, Anno Domini 1693.

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*An Act for raising six Thousand Pound for the payment of three Hundred Volunteers, and their Officers, to be employed in the Re-inforcement of the Frontiers of this Province at Albany, from the first of May next, to the first of May then next following, in the Year of our Lord 1694.*

See in general.

**W**Hereas upon the first day of *May* next, the time doth expire, wherein the Forces lately raised for the defence of the Frontiers at *Albany*, were to abide, which continuing still daily exposed to the Attempts of the *French*, their Majesties declared Enemies, it is of absolute necessity that they should from the said time be well Re-inforced, not only for the Preservation of this Province, but also for the Security and Defence of all their Majesties Subjects in the adjacent Colonies. And to the end that the said purposes may be well and truly effected, the Representatives convened in General Assembly, do pray, that his Excellency would levy or cause to be levied in this and the adjacent Colonies three hundred effectual Men, Volunteers, to be formed in four Companies of Souldiers, and employed in their Majesties service, for the security and defence of the Frontiers of this Province at *Albany*, and there to continue during the time hereafter mentioned and expressed. That is to say, That his Excellency doth forth-with, upon publication hereof, raise, or cause to be raised, as aforesaid, two hundred effectual men Volunteers, which are to be formed into four Companies of Souldiers, as aforesaid, and employed at *Albany*, for their Majesties Service, as aforesaid, and there to continue in the said Service from the first day of *May* next, until the first day of *May* then next following.

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152. N. Y.—General Assembly; L & A, Bradford, 1694 (Grolier facsimile, 1894); Act, Apr. 10, 1693, 6 unnumbered pages.

lowing, that shall be in the Year of our Lord One Thousand Six Hundred Ninety and Four. And also, That his Excellency shall likewise raise One Hundred effective Men Volunteers more, which shall likewise be added to the four Companies aforesaid, in equal Proportion, and posted at *Albany*, as aforesaid, and there only to continue and remain from the first day of *November* next ensuing, until the fifteenth day of *March* then following, and no longer.

And that his Excellency may be the better enabled to make such Levys as aforesaid, the Representatives convened in general Assembly, do pray that it may be Enacted, And be it therefore Enacted by the Governour and Council, and Representatives convened in general Assembly, and by the Authority of the same: That a Levy of Six Thousand Pounds currant Money of this Province be laid, assessed, raised and levied upon all and every of the Inhabitants, Residents and Free holders of and in this Province, &c. for the paying and maintaining of the said three hundred Volunteers, and their Officers, together with the incidental Charges that shall arise thereon, according to the Establishment hereunto annexed, and not otherwise, and for no other use, intent or purpose whatsoever.

To be laid, assessed, raised and levied in each respective City and County, throughout the Province, according to the Rates, Quota's and Proportions hereafter following; that is to say,

For the City and County of *New-York*, One Thousand Four Hundred and Fifty Pounds, being their Quota and Proportion of the Levy of Six Thousand Pounds aforesaid.

For the County of *Suffolk*, in the Island of *Nassau*, Twelve Hundred Pounds, being their Quota and Proportion, as aforesaid.

For *Queens County*, in the Island of *Nassau*, One Thousand Pounds, being their Quota and Proportion, as aforesaid.

For *Kings County*, in the said Island of *Nassau*, Nine Hundred Pounds, being their Quota and Proportion, as aforesaid.

For the County of *Westchester* Five Hundred and Sixty Pounds, being their Quota and Proportion, as aforesaid.

For the County of *Ulster* and *Dutchess County*, Six Hundred & Thirty Pounds, being their Quota and Proportion, as aforesaid.

For the County of *Richmond*, Two Hundred and Thirty Pounds, being their Quota and Proportion, as aforesaid.

And for the County of *Orange* Thirty Pounds, being their Quota and Proportion, as aforesaid.

All which Quota's and Proportions, as aforesaid, doth in the whole amount unto the Sum of Six Thousand Pounds currant Money aforesaid, which said Sum of Six Thousand Pound shall well and truly be paid by the respective Collectors of each respective City and County aforesaid, unto their Majesties Collector and Receiver General for the time being, at their Majesties Custom House in the City of *New-York*, in two equal Payments, that is to say, Three Thousand Pounds currant Money as aforesaid, being the one moiety or equal half part of the said

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Thousand Pounds, at or before the nine and twentieth day of *September* next, being the Feast Day of *St. Michael* the Arch-Angel. And the other three Thousand Pounds currant Money aforesaid, being the other moiety or equal half part of the Levy aforesaid, at or before the twenty fifth day of *March* then next following, being the Feast day of the *Annuntiation* of the blessed Virgin *Mary*, which shall be in the Year of our Lord One Thousand Six Hundred Ninety and Four, under the pains and penalties herein after mentioned.

And that the said Sum of Six Thousand Pounds, according to the Quota's and Proportions aforesaid, may be most truly and effectually assessed, raised, collected and paid unto their Majesties Receiver General, in manner aforesaid and for the intent and purposes aforesaid, *Be it further Enacted*, and it is hereby further Enacted by the Authority aforesaid, That the Mayor and Aldermen within this City of *New-York*, for the time being, and the Justices of the Peace for the time being, for the several and respective Counties aforesaid, for the several Counties respectively, for the which they shall be Justices of the Peace, do within forty days after Publication hereof, assemble and meet together in the Court Houses, for the several respective Cities and Counties, or such other place or places as they shall agree upon amongst themselves, and shall there order that Assessors and Collectors for the several and respective Cities, Towns, Mannors, and Liberties within their several Jurisdictions, for the assessing, collecting and receiving of the publick Rates, for the defraying the publick and necessary Charges of each respective City and County aforesaid, be the Assessors and Collectors for the assessing, collecting and receiving the sum or sums of Money herein before-mentioned, according to the proportions before expressed, as to the said Mayor and Aldermen and Justices shall seem meet and reasonable.

And forasmuch as there are several Mannors and Jurisdictions within the respective Counties aforesaid, who neglect, and do not elect annually or once every Year Assessors and Collectors, whereby the intent of this Act may be frustrated, *Be it therefore Enacted* by the Authority aforesaid, That if the respective Mannors and Jurisdictions within the several Counties aforesaid, shall refuse or neglect to elect Assessors & Collectors for the assessing of their respective Mannors and Jurisdictions, and for the collecting the same, according to the intent and direction of this Act, then and in such case the Justices of the Peace of the Counties where such Mannors or Jurisdictions are, are hereby impowered and authorized to nominate and appoint Assessors and Collectors for such Mannors and Jurisdictions as shall neglect or refuse as aforesaid; which Assessors and Collectors shall to all intents and purposes observe the directions of this Act, any thing contained herein to the contrary hereof in any wise notwithstanding.

And

And be it further Enacted by the Authority aforesaid, That the said Mayor, Aldermen and Justices of the Peace for the respective Cities and Counties, Mannors and Jurisdiccions have and shall have Power and Authority by virtue of this Act, each of them by himself to administer an Oath to the said Assessors, *Well, Truly, Equally and Impartially, and in due Proportion, as it shall appear to them, according to their best Understanding, to assess and rate the Inhabitants, Residents & Free-holders of the respective places for which they shall be chosen Assessors.*

And be it Enacted by the Authority aforesaid, That if any person or persons who shall be chosen Assessors or Collectors, shall deny, neglect, or unequally, or partially assess, or refuse to make such Assessment, as by this Act is required, or shall deny, neglect or refuse to collect any Sum or Sums of Money, in form afore-mentioned assess, that then and in such case, it shall and may be lawful for any two Justices of the Peace of the Cities and Counties where such Offenders shall happen to dwell or reside, & who by virtue of this Act, are required and empowered to do the same by Warrant under their Hands and Seals, to commit such Assessor or Assessors, Collector or Collectors so denying, neglecting or unequally and partially assessing, or refusing to collect, as aforesaid, to the common Goal, there to remain without Bayl or Mainprize till he or they make Fine and Ransom to their Majesties, for such Contempt, as aforesaid.

And be it further enacted by the Authority aforesaid, That if any Person or Persons, of what Degree or Quality soever he or they be, within this Province, who shall be assessed or rated any sum or sums of Money by virtue of this Act to be raised and levyed, shall deny, refuse or delay to pay and satisfy the same, that then it shall and may be lawful for any such Collector, by Virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the City or County where such Offender shall dwell or reside, who by Virtue of this Act are Required and Authorized to grant and issue forth such Warrant, to levy the same by Distress and Sale of such Person or Persons Goods and Chattles, returning the Over-plus, if any be, to the Owners, the Sum assessed, and Charges of Distress and Sale being first deducted. And that where any of the Goods and Chattels shall be distrained for any of the Assessments and Rates aforesaid, and the Owner of the said Goods shall not within five days next after such Distress taken, and notice thereof, with the cause of such taking left at the House, or other most known place where the distress was made, come and pay to the Collector and Receiver of the Assessment aforesaid, that then after such Distress, and notice as aforesaid, and expiration of the said five days, the Collector, or person distraining shall and may cause the Goods and Chattels so distrained, to be appraised by two sworn Appraisers, to appraise the same truly, according to the best of their Understandings, and after such appraisement shall and may lawfully carry and drive the said Goods and Chattels so distrained,



distrained, into any County or Town throughout the Province, and the said Goods and Chautels shall and may there lawfully sell for the best Price can be gotten for the same, toward satisfaction of the Rates aforesaid, and of the Charges of such Dutress, Appraisement and Sale, giving the Over-plus to the Owners.

And also, be it further Enacted by the Authority aforesaid, That if any Mayor, Alderman or Justice of the Peace within this Province, who are hereby Required, Impowered and Authorized to take effectual care that this Act and every Article and Clause therein be duely executed, according to the true intent and meaning thereof, shall deny, neglect, refuse or delay to do, perform, fullfill and execute all and every or any the Duties, Powers and Authorities, by this Act required and impowered, by him or them to be done, performed, fullfilled and executed, and shall thereof be convicted before the Governour and Council, or before any of their Majesties Courts of Record within this Province, he or they shall suffer such pain, by Fine and Imprisonment, as by the discretion of the said Governor and Council, and the Justices of the said Courts, shall be adjudged.

And be it further enacted by the Authority aforesaid, That if any Action, Bill, Plaint or Information shall be brought, moved or prosecuted at any time hereafter against any Person or Persons, for any Matter, Clause or Thing, done or acted in pursuance or execution of this Act, such Person or Persons so sued or prosecuted in any Court whatsoever, shall and may plead the general Issue, *Not Guilty*, and give this Act, and the special Matter in Evidence; and if the Plaintiff or Prosecutor shall be Non-suized, or forbear further Prosecution, or suffer Discontinuance or Verdict to pass against him, the Defendant or Defendants shall recover Treble Costs, for which they shall have the like Remedy, as in case where Costs by the Law are given to Defendants.

Provided always, That no Major, Alderman or Justice of the Peace shall be troubled, sued, prosecuted or molested for any Commission, Offence or Neglect by virtue of this Act, but within the space of one year after such Omission, Offence or Neglect, and not at any Time hereafter, any thing contained herein to the contrary hereof in any wise notwithstanding.

Always provided, and be it further Enacted by the Authority aforesaid, That the several Collectors of each respective City and County, as aforesaid, shall have liberty to pay the several and respective Sums assessed, as aforesaid, at the day aforesaid, in currant Money at *New-York*, or for want thereof in good sufficient and merchantable Provisions, at the Rates and Prices hereafter specified and expressed, to wit, good merchantable Pork at the Rates of fifty Shillings *per* Barrel, the Barrel well repacked by the sworn Packer at *New-York*, and the Barrell containing Thirty One Gallons and half, *Winchester* Measure, at least, Beef at the Rate of Thirty Two Shillings and Six Pence *per* Barrel, well repacked by  
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the sworn Packer of *New-York*, aforesaid, the Barrel to contain thirty one Gallons and a half, *Winchester-Measure*, at least. Good merchantable Winter Wheat at four Shillings *per* Bushel. Tried Tallow at four pence half penny *per* Pound.

Provided always, and be it further Enacted by the Authority aforesaid, That if it should so happen that his Excellency, pursuant to the Limitations aforesaid, could not effect to raise so many Volunteers in manner aforesaid, but that for the intent aforesaid his Excellency should be constrained to make proportionable Detachments in the respective Cities and Counties within this Province, to compleat the Number of the Forces, as aforesaid, then it is the true intent and meaning of this Act, that there shall only be allowed & paid unto such person or persons so detached as aforesaid, for the service aforesaid, the sum of Eight Pence *per Diem* for each Person so employed as aforesaid, and no more, any thing contained herein, or mentioned in the Establishment hereunto annexed, in any wayes to the contrary hereof notwithstanding.

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*An Establishment for the paying of the Officers and Souldiers, together with the incidental Charges, which are to be raised for the Reinforcement of Albany, &c. from the first day of May, 1693. until the first day of May. 1694.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Four Captains at 8 <i>s. per Diem</i>	01	12	00
Four Lieutenants at 4 <i>s. per Diem</i>	00	16	00
Four Lieutenants at 3 <i>s. per Diem</i>	00	12	00
One Chyrurgion at 2 <i>s. 6 d. per Diem</i>	00	02	06
One Commissiary for the Stores <i>per diem</i>	00	02	06
One Commissiary for Muster <i>per Diem</i>	00	02	06
Twelve Sergeants at 1 <i>s. 6 d. per diem</i>	00	18	00
Twelve Corporals at 1 <i>s. per diem</i>	00	12	00
Four Drums at 1 <i>s. per diem</i>	00	04	00
Four Clerks at 1 <i>s. per diem</i>	00	04	00
Four Montrosses at 1 <i>s. per diem</i>	00	04	00
164 private Centinels at 1 <i>s. per diem</i>	c8	04	00
	13	13	c6
		<i>l.</i>	<i>s.</i> <i>d.</i>
For 365 days 12 <i>l.</i> 13 <i>s.</i> 06 <i>d.</i> is		4991	07 06
100 private Centinels for 135 days at 12 <i>d.</i>		675	00 00
One Town Major for 365 days at 4 <i>s.</i>		073	00 00
Incidental Charges		260	12 06
<i>The Totall</i>		6000	00 00

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*Printed and Sold by William Bradford, Printer to King William and Queen Mary, at the City of New-York, 1693.*

meck and great and little Minissinck, Be it Enacted by the authority aforesaid, that Wagachemeck and great and little Minissinck be and are hereby Immediately annexed to the County of Ulster untill Such time that the bounds between the Counties of Orange and Ulster shall be Settled, and that the Inhabitants of Wagachemeck and great and little Minissinck be and are hereby Impowered to give their Votes for Representatives in the County of Ulster, as if they actually lived in the Said County of Ulster, any thing to the Contrary hereof in any wise notwithstanding.

See also original p. 455.

[CHAPTER 95.]

[Chapter 95, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 160, 193. Title only is printed in Baskett, p. 52. The act referred to is chapter 5, but that act and this act were repealed by chapter 114.]

An Act for supplying the Defects of  
a late Act Intituled an Act for settling the  
Militia

[Passed, October 18, 1701.]

WHEREAS by an act of the General Assembly of this province, made in the Third year of his present Majties Reign, Entituled, an act for Settling the Militia, It is Enacted, That no person whatsoever from fifteen to Sixty years of age remain unlisted by themselves or Masters, Mistresses or Employers, under the Captains in their respective places of abode, in ffoot or horse the Space of One Kalender Month after their arrival, or Coming to reside or Sojourn in any place within this province, on penalty of Twenty Shillings, and so for every Moneth such person shall remain unlisted; Which Act is by Experience found to be very much Evaded, Especially in Such parts of this province where there are more than one Company of Militia Souldiers, the s'd persons pretending themselves to be listed Sometimes in one, and Sometimes in another Company, whereby they either wholly Evade the s'd Act, or if found out the penalty's therein Contained are so Small and Inconsiderable That Several persons absolutely refuse to appear in Arms, according, to the Tenor of the s'd Act, not valuing the payment of the Penalties Imposed therein, BE IT therefore ENACTED by the hono'ble his Majties Lieu't Governour and Councill, and Representatives in Generall Assembly Convened and it is hereby Enacted by the authority aforesaid, That all and every person and persons above the age of Fifteen, and under the age of Sixty years, (Except as

<sup>157</sup>. N. Y.—*General Assembly; Col. Laws, Vol. 1, Lyon 1896; Act, Oct. 18, 1701, pp. 454-455.*

therein Excepted) Shall within the time and Space of one Kalender month after his or their arrivall into this province, Repair to some Cap't; or other Officer of the ffoot Company, or Troop of Militia horse near adjacent to his or their place or places of abode, and List him or themselves in the s'd Company or Troop, and receive from the Officer with whom he or they shall list him or themselves, as aforesaid, a Certificate of his or their being so Listed, w'ch the s'd Officer on request, is hereby required to give unto him or them w'th penalty upon all and every person & persons who shall remain unlisted, or want a Certificate of his or their being so Listed, as afores'd, after the Expiration of the s'd Month, for every Month he or they shall Remain unlisted, as aforesaid, the Sum of Forty Shillings.

AND it is further ENACTED by the authority aforesaid, That all other fines, penaltys and fforfeitures in the s'd act menconed, shall be and are hereby Doubled and made Double the Sums mentioned and expresed in the s'd act, and shall be recovered and applyed as is therein set fforth and mentioned And whereas Severall of the Souldiers of the Militia Troops and Companys in this province on information that the s'd Troops or Company's, or Such as they belong to or are Listed in, are Ordered to meet and appear in Arms on any Certain day, have on that day purposely and with intent only not to appear in Arms, falsely pretended business out of the City, Town or County where they reside and Inhabit or followed such businesse which otherwise they would have delayed ffor, Remedy whereof. BE it further ENACTED by the authority afores'd. That if the Cap't or any other Comission Officer of any Company of foot or Militia horse as afores'd, Shall Suspect any person or persons to be guilty as afores'd the said Cap't or other Officer is hereby required and Impowered to administer the Oath following, to such person so Suspected as afores'd, vizt. I A. B. do truly and sincerely Declare and swear, That I did not Depart out of \_\_\_\_\_ on purpose to avoid serving in the Militia the \_\_\_\_\_ day of \_\_\_\_\_. And if the s'd person shall refuse to Swear, as afores'd he and they shall be subject and lyable to Double the penaltys in the s'd Act Contained. Provided alwayes that no person or persons shall be detached, pressed or obliged to march out of his or their County who is or shall be under the age of Sixteen years.



*There was also passed at the same time these following Acts, Viz.*

- An Act for granting an Additional Duty to his Majesty.
- An Act for supplying the Defects of a late Act, entitled, an Act for settling the Militia.
- An Act for the speedy repairing the Forts of *Albany* and *Genesee*.
- An Act for destroying of *Wolves* in the County of *West-chester*, and *Ulster*.
- An Act to oblige *Robert Livingstone*, Esq; to account according to the purport of an Act Entitled, An Act for appointing and enabling Commissioners to take and state the publick Accounts of this Province.
- An Act for Encouraging the City of *New-York*.
- An Act for Confirmation of a Certain agreement made by *Thomas Smartmont* and Company of the one part, and *Gerret Aerisen* and Company of the other part.

Acts passed by the General Assembly, of the Colony of *New-York*,  
Anno Primo ANNÆ Regiæ, October. 1702.

*An Act for settling the Militia of this Province, and making it more useful for Security and Defence there, and for Repealing of all former Acts heretofore made in this Province relating to the same.*

[ This Act is Revived and continued by an Act passed in the 8th year of her Majestys Reign till the first day of October, 1710. ]

**W** Hereas the Security and Preservation of this Province greatly depends upon the Militia being put into Methods, and under such Rules that it may make the same most Useful for the Support & Defence thereof, and that the Inhabitants should be well arm'd and train'd up in the Art Military, as well for the honour and Service of her most sacred Majesty, as the Preservation of their own lives and Fortunes, *Be it Enacted and Ordained by the Governor, Council and Representatives, &c.* That no Person whatsoever from Sixteen to Sixty years of Age remain unlisted by themselves, their Parents, Masters, Mistresses or Employers, under the Captains of their respective places of Abode, in Foot or Horse, the space of one Kalendar Moneth after their attaining the said Age of 16 years, or after their arrival or coming to reside or sojourn in any place within this Province on Penalty of Twenty Shillings, and so for every Month such person, after notice thereof given, shall remain unlisted. And that every Foot Soldier be provided with a well fixed Musquet or Fuzee, or, if the Officer so appoint, with a good Pike and Sword, or Lance and Pistol; each Musqueteer six Charges of Powder, and one Cartouch-Box, and so shall appear when and where required, upon penalty of *five Shillings* for his default in not appearing, and *three Shillings* for want of each Charge of Powder, Gun, Pike, Sword, Pistol or Cartouch-Box, so as the whole penalty for any Person at any time exceed not *Twenty Shillings*. And that every Soldier belonging to the Horse, shall, when and where commanded, appear and be provided with a good serviceable Horse of his own, covered with a good Saddle, with Holdsters, Breast-Plate and Crupper, and a Case of good Pistols, Hanger, Sword or Rapier, and half a pound of Powder, with twelve serviceable Bullets, on penalty of *ten Shillings* for each times absence, and *ten Shillings* for Default of the particulars above-mentioned, so as the whole Penalty for one time exceed not *Fifteen Shillings*. And that every Foot Soldier shall have at his Habitation

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tion or abode, one pound of good Powder, and three pound of sizable Bullets, every Trooper shall have at his usual place of abode, a well fixed Carbine, with Belt and Swivel, and two pound of fine Powder, with six pound of sizable Bulles, on penalty of *ten Shillings* for every Default. And that each of them shall bring the same into the Field when commanded, upon penalty of answering the same at a Court Marshal.

And for a Supply of the Troops in the Cities of *New-York*, *Albany*, and County of *Ulster*, it shall be in the power of the Collonel, or other chief Officer of the City of *New-York*, Countys of *Albany* and *Ulster*, for the time being, whensoever any of the said Troops shall not compleat the Number of Fifty, to present double the Number, instead of such as are dead, removed or wanting, out of the principal Inhabitants and Gentlemen of the respective Cities and Counties aforesaid, unto the Governor for the time being, who from time to time may list and order so many of them to be of the said respective Troops as may compleat the Number of Fifty. for her Majestys Service and the Security of this Province. And any Person or Persons so presented to the Governour for the time being, and by him listed and ordered to be of the said respective Troops shall be and are hereby obliged to serve in the said respective Troops upon the penalty of *Five Pounds*.

And be it further Enacted, &c. That no Person so listed as aforesaid, shall depart thence without a Discharge from the Commander of the Company or Troop, where listed, on penalty of *Forty Shillings*; and that no Commander of any Company or Troop shall refuse, when desired to give a Discharge in Writing to any that has removed his abode out of the Precincts or Province, under the Penalty of *Five Pounds*.

And whereas at the Cities of *New-York* and *Albany*, and at the Town of *Kings-Town* in the County of *Ulster*, Guards and Watches are every Night set and appointed, Be it therefore Enacted and Ordained by the Authority aforesaid, That it shall and may be lawful for any person or persons listed in the Militia Regiments of the Cities of *New-York* and *Albany*, or in the Militia Companies in the Town of *Kings-Town* in the County of *Ulster* (except on extraordinary Occasions) to put a well Arm'd Man in their Room, who if approved of by the Captain of the Guard, shall excuse his or their absence. *Provided a'lwa's*, That the Commission-Officers of the respective Companies in the Cities of *New-York* and *Albany*, and in the Town of *Kings-Town* in the County of *Ulster*, be obliged in their respective Turns to Mount the Guard in their proper Persons, and that no Person shall refuse to be a Serjeant, Corporal or Drummer in the Company wherein he is listed, under the penalty of *Forty Shillings*.

And be it further Enacted, &c. That all Captains of Companies of Foot, or Troops of Horse, shall within twelve Months after the publication of this Act provide for their Companies and Troops, Drums and Colours, Trumpets and Trumpeters, & Banners, at the proper charge of the respective Officers, Troops and Companies, under the penalty of ten Pounds, and so for every four Months such Commanders shall remain unprovided. And that all the Collonels of the respective Regiments, or next chief Officer in their absence, shall once every year at least issue out their Warrants to their inferior Officers, commanding them to make diligent search and inquiry in their several Precincts, that all be duly listed, armed and equip'd, and to return to them such Defects as shall be so ind, to the end the same may be reformed, on penalty of 20 *l*. And that once every three Months, or oftner, as occasion shall require and command be given by the



the Capt. General and Commander in Chief, for the time being, the several Companys and Troops in each Regiment shall meet at the next and most convenient places to be appointed by the respective Officers, to be then and there by them mustered and exercised.

*And be it further Enacted, &c.* That during the time the said Officers & Soldiers are in Arms, they shall observe and keep all and every the Laws and Articles of War, and give all due obedience to their superior Officers, which Laws and Articles the Capt. General and Commander in chief, with advice of a general Council of War, is to make and establish, and the Commanders of the several Regiments to give out Copies of the said Articles unto the respective Officers, that the same may be publickly read once every three Months unto the Soldiers, whilst they are in Arms, that all persons may the better know and observe their Duties. And if it shall happen that any of the Officers or Soldiers shall, when they are out of Arms, endeavour to take Revenge by force, for any thing his or their superior Officers lawfully did, in pursuance of his or their Duty and this Act, the said Officers and Soldiers shall be brought to a Court Martial, and there punished, as if the Offence had been done in time of Service or Exercise provided the punishment does not extend to Life or Limb.

*And be it further Enacted, &c.* That once every year, or oftner, if thereunto commanded, each particular Captain shall give to his Field Officer, & the Field Officer to the Capt. General and Commander in chief, for the time being, fair written Rolls of their respective Companys and Regiments. And if any Field Officer, Captain, or other inferior Officer, shall neglect or contemn performing the lawful commands of the respective superior Officers, he or they shall be punished by Fine, Censuring, or other punishment, according to the discretion of a Court-Martial, which the Capt. General or Commander in chief is to appoint and establish. And the Orders of the said Court Martial are hereby declared to be binding in all Military Affairs. And if any person, upon any Invasion, or other publick Military Service, be wounded or disabled, he shall be cured & maintained out of the Revenue. And if any person whatsoever shall be sued, molested or impleaded for any thing lawfully commanded in the execution and performance of this present Act, he shall plead the General issue, and give this present Act in evidence, and shall thereupon, if found for him, Recover tribble Costs of Suit.

*Provided always, and it is hereby Enacted,* That the several Fines and Forfeitures mentioned in this Act, shall be disposed as of followeth, *viz.* That all such as do relate to any person under the degree of a Captain, shall be adjudged by, and be to the respective Captains, to defray the charges of their Companys or Troops, & to be levied before the next exercising day, by distress & sale of the offenders Goods, by the Captains Warrant to the Serjeant or Corporal; and if no Distress be found, the Punishment to be by Riding the Wooden Horse, or being Tied Neck and Heels, not exceeding one Hour, at the Discretion of their Officers. But if the Offender be a Servant, the Owners Goods shall be lyable to the Distresses and Sales as aforesaid, so that satisfaction may be made. And if any such Serjeant or Corporal, so as aforesaid appointed by the Captain, shall refuse to execute such Warrant to him granted, such Serjeant or Corporal shall forfeit for every such Offence, for the Use aforesaid, the Sum of *Forty Shillings*, to be levied by Distress, as is aforesaid, by such other Serjeant or Corporal, by the like Warrant under the Hand and Seal of the Captain, as is before in this Act expressed. And for all other Penalties mentioned in this Act, the same to be



be levved by Distress and Sale of the Offenders Goods and Chattels, by the Provost Marshal, by Warrant from the Capt. General or Commander in chief, or the chief Field Officer where such Offenders are, one half thereof shall be to the Capt. General or Commander in chief, and the other half to the said Field Officers of that Regiment where the Offence is committed. And if the Fines that do relate to any Person under the degree of a Captain, shall not amount to a Sum sufficient to defray the Charge of the Captains Companies or Troops, that then the over-plus wanting to be levved upon the several Soldiers equally, by Warrant or Order of the Coll. or chief Officer of the Regiment, Troop or Companies.

*And be it further Enacted, &c.* That it shall and may be lawful for any Commission Officer belonging to the Regiment of the Cities of *New-York* and *Albany*, or to any the Companies in the Town of *Kingstone* in the County of *Ulster*, under the Degree of a Captain, in the absence of the said Captain to grant Warrants of Distress against any Person whatsoever, that shall absent themselves from their Duty on the Night Guards, without sending a sufficient person to serve and watch in their stead; which said Warrants so granted, shall be as effectual to all intents and purposes whatsoever, as if they, or any of them had been granted by the Captains themselves.

*And be it further Enacted, &c.* That all Persons so listed as aforesaid, shall readily attend their Duty, and serve on their Watches when thereunto appointed by their Officer or Officers, under the Penalty of *Six Shillings* for each Default, to be levved by Distress, as is aforesaid.

*And be it further Enacted, &c.* That no person whatsoever presume to fire any small Arms after eight of the Clock at Night, unless in case of an Alarm, Insurrection, or any other lawful occasion; and in either of the said cases, four Musquets, or small Arms, distinctly fired, or where great Guns are, the firing of one great Gun and two Musquets or small Arms, distinctly, and beating of a Drum, shall be taken for an Alarm. And every Person that shall neglect his Duty in taking and giving forward an Alarm by firing, as aforesaid, shall be guilty of firing small Arms after eight of the Clock at Night, and, unless as aforesaid, shall be fined, or otherwise punished at the Discretion of a Court Marshal, not extending to Life or Limb. And in case of such an Alarm, every Souldier is immediately to repair, Armed, to his Colours or Court of Guard, upon Penalty of *Five Pounds*.

And for the better prevention of false Alarms, no Captain, Master or Commander of any Ship or Vessel riding at Anchor in any the Harbours, Ports or Bays within this Province, or any other Person, fire any Gun, or beat any Drum after eight of the Clock at Night, under the Penalty of *Four Pounds* for every Gun so fired, or Drum beaten, to be levved by Warrant from the chief Officer, not under the Degree of a Captain (who is hereby impowered to administer an Oath, and give Judgment thereupon) by Distress and Sale of the Offenders Goods, and for want of such Distress the said chief Officer is impowered to commit such Offenders to the Goal, there to remain until payment be made of the same. And that in case the said chief Officer shall not perform his Duty therein, he shall forfeit *Ten Pounds*, to be levved by Warrant from the Capt. General or Commander in chief, for the time being. *Provided always*, That this Clause shall in no way concern or extend to any Captain or other Officer of her Majestys Ships of War, for their firing at setting the Watch.

*And be it further Enacted, &c.* That all Trumpeters and Drummers lately

in Service, or that shall by the several Captains be put into that Service, during the Captain's pleasure, shall serve upon the Sallery of *Forty Shillings per Ann.* for a Trumpeter, and *Twenty Shillings per Ann.* for a Drummer, finding their Trumpet and Drum; and *Twenty Shillings* for a Trumpeter, and *Ten Shillings* for a Drummer, if the Captain find them, upon Penalty of *Forty Shillings*.

*And be it further Enacted, &c.* That all Captains of the Companys in the several Towns within this Province, do take due care to list all Youth, as they shall come to the age of Sixteen Years. And if any Debate shall arise concerning the Age of any such Youth, the same shall be determined by the Oath of their Parents, or any other credible Person, taken before some Justice of the Peace, who are hereby Required and Impowered to administer the same, in the words following, *Viz.*

*I A. B. do Swear upon the holy Evangelists of Almighty God, that C. D. the Son of E. F. listed in                      Company, is                      Years old, and no Older. So help me God.*

Which Oath being certified to the said Justice by the said Captain of the said Militia Troop or Company where the said person is listed, and it appearing upon Oath that such Person is not of the Age of Sixteen Years, he shall be dismissed until such time as he attain to that Age.

*Provided always, and it is hereby further Enacted, &c.* That all the Members of her Majesty's Council, Justices of the Peace, High-Sheriffs, Coroners, and all Officers of Courts, Ministers, School-Masters, Physicians and Chyrurgeons shall be free from being listed in any Troop or Company within this Province, any thing contained herein to the contrary in any wise notwithstanding.

*Provided always, and be it further Enacted, &c.* That nothing in this Act contained be expounded, construed or understood to diminish, alter or abridge the Power of the Captain General or Commander in Chief for the time being, but that in all things and upon all occasions he may Act as fully and freely as Capt. General or Commander in Chief, to all intents and purposes, as if this Act had never been made, any thing in this Act to the contrary notwithstanding.

*And be it further Enacted, &c.* That all and every Act and Acts heretofore made for settling the Militia of this Colony, or any ways relating thereunto, be, and are hereby forever Repealed, Reversed, Vacated, and become Null, Void and of None Effect. And the said Acts, and all Articles and Clauses therein mentioned, are hereby declared to be Repealed, Reversed, Vacated, and become Null, Void and of none effect, to all intents, constructions and purposes whatsoever, as if the same had never been made and enacted, any thing to the contrary notwithstanding.

*Provided also, and be it further Enacted, &c.* That this Act nor any Article or Clause therein contained, shall be construed or taken to allow or give liberty to any Negro, or to any Indian Slave or Servant to be listed, or to do any Duty in the Militia of this Province.

*Provided always, That* no Person or Persons whatsoever shall be sued, prosecuted, or his Goods and Chattels lyable to any Levy or Seizure by virtue of any clause in this Act before mentioned, but within the space of three Calendar Months after the committing the respective facts hereby made Offences, and not at any time after the said three Moneths.

*And be it further Enacted, &c.* That whenever it shall so happen that Money shall be raised by Act of General Assembly of this Colony for the raising and paying of Men for the Defence of the Fronteers, the several and respective Captains



Captains, or other Officers, commanding the Companys respectively, for the time being, shall and may, by virtue of this Act, appoint or detach such and so many of the respective Companys as shall be required for that Service by the Captain General or other superiour Officers, by leaving a Note in Writing at their respective Houses or last place of abode, Signifying When and Where they shall appear, ten days inclusive, before the day of such appearance. And if any person or persons for whom such Note shall be left, as aforesaid, shall not appear at the time and place appointed, and perform the service required of him, he or they shall forfeit the Sum of *Six Pounds*, to be recovered by the respective Captains, or other Officers, in the respective Courts of *common Places* of such County or place where such offence shall be committed, or offender shall be found, by Action of Debt, Bill, Plaint or Information, in which no Protection, Essoyn, Imparance or Wager of Law shall be allowed. Which Forfeiture of *Six Pounds* shall be applyed and given to the Use of such Person or Persons who shall be summoned to appear and serve in the Room of such offender making default of Appearance, as aforesaid.

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*An Act against Forging, Counterfeiting and Clipping of Foreign Coin, which is Current Money in the Colony of New-York,*

**F**OR as much as by the Laws of this Colony no condigne Punishment is at this time provided for such evil disposed Persons as shall Counterfeit, Forge, Clip, File, or otherwise lessen and debase such kind of Gold or Silver of other Realms. as current Money in payment within this Colony of *New-York*, whereby divers evil disposed Persons, as well without this Colony as within, are encouraged and emboldened basely to counterfeit, forge, clip, file and otherwise lessen and debase such kind of Gold and Silver, and utter the same in this Colony, to the great detriment of her Majestys Subjects. *Be it therefore Enacted by the Governour, and Council, and Representatives conven'd in General Assembly, &c.* That if any Person or Persons hereafter shall falsely forge, counterfeit, clip, file or otherwise lessen or debase such kind of Gold or Silver, as is the current Money of this Colony, and is permitted to be current within the same, the Offenders therein, their promoters, aiders and abettors, being convicted thereof, according to the Laws of her Majestys Kingdom of *England*, of such Offences, shall be Imprisoned for the space of one whole Year & a day, and forfeit all their Goods and Chattles, any Law, Usage or Custom to the contrary hereof in any wise notwithstanding.

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*An Act for Regulating Slaves.*

**B**E it Enacted by his Excellency, the Governour and Council, and Representatives convened in General Assembly, and by the authority of the same, That no Person or Persons hereafter throughout this Province, do pertain to Trade with any Slave, either in buying or selling, without leave and consent of the Master or Mistress, on Penalty of forfeiting treble the value of the thing traded for, and the sum of five Pounds current Money of *New-York*, to the Master or Mistress of such Slave; to be recovered of such Person or Persons so trading contrary



be brought and Sued within one year and a day after such offence Comitted, and not otherwise. And be it further Enacted by the Authority aforesaid, That from and after the publicacon of this Act, all former Acts and Laws for giving any Reward for Destroying of Wolves and Whelps, shall from thenceforth stand Repealed, and be void. Provided That whatsoever person or persons is by the said Acts or Laws Entituled to any Reward or Rewards for destroying of Wolves or their Whelps, shall not be barred or precluded from their Lawful demands, any thing herein Contained notwithstanding.

[CHAPTER 114.]

[Chapter 114, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 185, 218; Baskett, p. 53. Continued by chapter 157.]

An Act for the better Setling the Militia of this Province and makeing it more usefull for the Security and Defence thereof and for the Repealing of all former Acts heretofore made in this Province Relating to the Same.

[Passed, November 27, 1702.]

WHEREAS the Security and preservation of this Province greatly depends upon the Militia being put into Such Methods and under Such Rules that it may make the Same most usefull for the Support and defence thereof and that the Inhabitants should be well Armed and Train'd up in the Art Military as well for the honour and Service of her most Sacred Ma'ty, as the preservacon of their own Lives and Fortunes. Be it Enacted and Ordained by the Gov'r Council and Representatives, and it is hereby Enacted and ordained by the Authority of the Same. That no person whatsoever from Sixteen to Sixty yeares of Age remain unlisted by themselves their Parents Masters Mistresses or Employers under the Captain of their Respective places of Abode in foote or horse the Space of one Calender month after their attaining the said Age of Sixteen Yeares, or after their Arrivall or coming to reside or Sojourn in any place within this Province on penalty of Twenty shillings and So for every month Such person after notice thereof given shall remain unlisted. And that every foot Souldier be provided with a well fixed Musquet or ffusee, or if the officer So appoint with a good Pike and Sword or Lance and Pistoll, each Musqueteer Six Charges of Powder and one Cartouch Box and so shall appear when and where required upon penalty of five shillings for his default in not appearing and three shillings for want of each Charge of

Powder, Gun, Pike, Sword, Pistoll, or Cartouch Box, So as the wholl penalty for any person at any time exceed not Twenty shillings. And that every Souldier belonging to the Horse shall when and where Commanded, appear and be provided with a good Serviceable Horse of his own, Covered with a good Saddle with Holsters Breastplate and Crupper, & a Case of good Pistolls, Hanger Sword or Rapier and half a pound of Powder with Twelve Serviceable Bullets on penalty of Ten shillings for each times absence and ten shillings for default of the particulars above menconed So as the wholl penalty for one time exceed not fifteen shillings, And that every foot Souldier shall have at his Habitacon or abode one pound of good Powder and three pounds of Sizable Bullets, and every Trooper shall have at his usuall place of abode a well fixed Carbine, with Belt and Swivell, and two pounds of fine powder with Six pounds of Sizeable Bullets on penalty of ten shillings for every Default, and that each of them shall bring the Same into the ffeild when Commanded upon penalty of answering the Same at a Court Marshall.

And for the Supply of the Troops of Horse in the Citys of New york and Albany and County of Ulster It shall be in the power of the Colonell or other Cheif Officer of the City of New york, County of Albany and County of Ulster for the time being whenever any of the said Troops shall not Compleat the number of fifty, to present Double the number instead of Such as are dead removed or wanting out of the principall Inhabitants and Gentlemen of the respective Cities and Counties aforesaid unto the Gov'r for the time being, who from time to time may list and Order So many of them, to bee of the said respective Troops, as may Compleat the number of fifty for her Ma'tys Service and the Security of this Province, And any person & persons so presented to the Gov'r for the time being & by him Listed and ordered to be of the said respective Troops shal be and are hereby Obligated to Serve in the said respective Troops upon the penalty of five pounds

And it is further Enacted by the authority aforesaid, That no person So Listed as aforesaid, shall depart thence, without a Discharge from the Commander of the Company or Troop where Listed on penalty of fforty shillings, and that no Commander of any Company or Troop shall refuse when Desired to give a Discharge in Writing to any that has removed his abode cut of the precincts or Province under the penalty of five pounds.

And whereas at the Citys of New york and Albany and at the Town of Kings Town in the County of Ulster Guardes and Watches are every night Set and appointed, Be it therefore Enacted and Ordained by the Authority aforesaid That it shall

and may be Lawfull for any person or persons Listed in the Militia Regiments of the Citys of Newyork and Albany or in any the Militia Companys in the Town of Kingston in the County of Ulster (Except on Exterordinary Occasions) to put a well armed man in their Room who if approved of by the Captain of the Guard shall excuse his or their absence Provided alwayes that the Commission officers and Serjeants of the respective Companies in the Citys of Newyork and Albany and in the Town of Kingston in the County of Ulster be Obliged in their Respective Turns to mount the Guard in their proper persons and that no person shall refuse to be a Serjeant Corporall or Drummer in the Company wherein he is listed under the penalty of fforty shillings.

And be it further Enacted and Ordained by the Authority aforesaid That all Captains of Companies of ffoot or Troops of Horse shall within Twelve months from and after the publicacon of this Act provide for their Companies and Troops Drums and Colours, Trumpets and Trumpeters and Banners at the proper Charge of the respective, officers Troops and Companies under the penalty of Tenn pounds and So for every four months such Commanders shall remaine unprovided, And that all the Colonells of the respective Regiments or next Cheif Officers in their absence shall once every year at least issue out their warrant to their Inferior Officers Commanding them to make deligent Search and Inquiry in their Severall precincts, that all be duely listed Armed and Equipped And to return to them such Defects as shall be found to the end the same may be Reformed on penalty of Twenty pounds and that once every three Months or oftener as Occasion shall require and Comand be given by the Captain Generall or Comander in Cheif for the time being the severall Companies and Troops in each Regiment shall meet at the next and most Convenient places to be appointed by the respective Officers to be then and there by them Mustered and Exercised.

And it is further Enacted and Ordained by the authority aforesaid, That during the time the said Officers and Souldiers are in Arms they shall Observe and keep all and every of the Laws and Articles of Warr and give all due Obedience to their Superior Officers which Laws and Articles the Captain Generall or Comander in Cheif with advice of a Generall Council of Warr, is to make and Establish, and the Comanders of the Severall Regiments to give out Copies of the said Articles unto the respective Officers, that the same may be publickely read once every three months unto the Souldiers whilst they are in Arms that all persons may the better know and Observe their Duties.



And if it shall happen that any of the Officers or Souldiers shall when they are out of Arms endeavour to take Revenge by force, for any thing his or their Superior Officers lawfully did in pursuance of his or their Duty and this Act, The Said Officers and Souldiers shal-be brought to a Court Martiall and there punished as if the Offence had been done in time of Service or Exercise; provided that the said punishment do not Extend to Life or Limb.

And be it further Enacted by the Authority aforesaid, That once every year or oftener if thereunto Comanded, each particular Captain shall give to his ffeild officer and the feild Officer to the Captain Generall or Comander in Cheif for the time being, fair written Rolls of their Respective Companies and Regiments, And if any ffeild Officer Captain or other Inferior Officer shall neglect or Contemn performing the Lawfull Comands of the respective Superior officers he or they shall be punished by fine Casheering or other punishment according to the discretion of a Court Martiall which the Captaine Generall or Comander in Cheif is to appoint and Establish, And the orders of the said Court Martiall are hereby Declared to be binding in all military affaires.

And if any person upon any Invasion or other publick Military Service be wounded or disabled he shall be cured and Maintained out of the publick Revenue.

And if any person whatsoever shall be Sued molested or Impleaded for anything Lawfully Comanded in the Execucon and pursuance of this present Act he shall plead the Generall Issue, and give this Act in Evidence and shall thereupon if found for him Recover treble Costs of Suite.

Provided alwayes and it is hereby Enacted and declared by the Authority aforesaid That the Severall fines and forfeitures mentioned in this Act shall be recovered and disposed of as followeth Vizt That all Such as do relate to any person under the Degree of a Captain shall be adjudged by, and be to the respective Captains to defray the Charges of their Companies or Troops and to be Levied before the next exercising day by distresse and Sale of the offenders goods by the Captains Warrant to the Serjeant or Corporall and if no Distress be found the punishm't to be by riding the wooden horse or being Tyed Neck & Heels not Exceeding one hour at the Discretion of their Officers, But if the offender be a Servant the owners goods shal-be Lyable to the Distresses and Sales as aforesaid, So that Sattisfacon may be made, And if any Such Serjeant or Corporall so as aforesaid appointed by his Captain shall refuse to Execute such Warrant to him granted, Such Serjeant or Corporall shall forfeit for every

Such Offence for the uses aforementioned the Sume of fforty shillings to be levied by Distresse as is aforesaid by such other Serjeant or Corporall by the like Warrant under the hand and Seale of the Captain as is before in this Act Expressed And for all other penalties mentioned in this Act the Same to be levied by Distresse and Sale of the Offenders goods and Chattles by the Provoost Marshall by Warrant from ye Captain Generall or Comander in Cheif or the Cheif ffeild Officer where such Offenders are, one half thereof shall be to the Captain Generall and the other half to the Said ffeild Officers of that Regiment where the Offence is Comitted. And if the fines that do relate to any person under the Degree of a Captain shall not amount to a Sum Sufficient to defray the Charge of the Captains Companies or Troops that then the over plus wanting to be Levied upon the Severall Souldiers equally by Warrant or order of the Colonell or Cheif Officer of the Regiment Troops or Companies.

And be it further Enacted by the Authority aforesaid That it shall & may be Lawfull for any Comission officer belonging to the Regiment of the Citys of Newyork and Albany or to any the Companies in the Town of Kingston in the County of Ulster under the Degree of a Captain in the absence of the said Captain to grant Warrants of Distresse against any person whatsoever that shall absent themselves from their Duty on the Night Guards, without Sending a Sufficient person to Serve and watch in their Stead which said Warrants So granted shall be as Effectuall to all Intents and purposes whatsoever as if they or any of them had been Granted by the Captains themselves.

And be it further Enacted by the authority aforesaid That all persons so listed as aforesaid shall readily attend their Duty, and Serve on the Watches when thereunto appointed by their Officer or Officers under the penalty of Six Shillings for each default to be levied by Distresse as is aforesaid.

And it is also further Enacted by the Authority aforesaid That no person whatsoever presume to fire any Small Arms after eight of the Clock at night unlesse in Case of an Alarm Insurrection or any other Lawfull occasion And in either of the said Cases four Musquets or Small Arms distinctly fired, or where Great Guns are the firing of one great Gunn and two Musquets or Small Arms Distinctly and beating of a Drum shall be taken for an Alarm. And every person that shall neglect his Duty in taking and giving forward an Alarm by firing as aforesaid or shall be guilty of firing any Small Arms after Eight of the Clock at night unless as aforesaid shall be fined or otherwise punished at the discretion of a Court Martiall not Extending to Life or Limb. And in Case of Such Alarm every Souldier is Immediately

to Repair Armed to his Colours or Court of Guard upon the penalty of five pounds.

And for the better prevention of false Alarms no Captain Master or Comander of any Ship or Vessel riding at Anchor in any the Harbours Ports or Bayes within this Province or any other person fire any Gun or beat any Drum after Eight of the Clock at night under the penalty of four pounds for every Gun So fired or Drum beaten to be levied by Warrant from the Cheif Officer not under the Degree of a Captain (who is hereby Impowered to administer an Oath & gve Judgment thereupon) by Distresse and Sale of the Offendors goods, and for want of such Distresse the said Cheif Officer is Impowered to Comit such Offendors to the Goale there to remaine untill payment to be made of the same, And that in Case the said Cheif Officer shall not perform his Duty therein he shall forfeit Ten pounds to be Levied by Warrant from the Captain Generall or Comander in Cheif for the time being provided alwayes That this Clause shall in no ways Concern or Extend to any Captain or other officer of any of her Ma'ties Ships of Warr, for their firing at Setting the Watch.

PROVIDED alwayes and it is hereby further Enacted and declared by the Authority aforesaid That all Trumpeters and Drummers lately in Service that shall by the Severall Captains be put into that Service Dureing the Captains pleasure shall serve upon the Sallary of fforty shillings P Ann for a Trumpeter and Twenty shillings P Ann for a Drummer finding their Trumpet and Drum and Twenty shillings for a Trumpeter and tenn shillings for a Drummer if the Captain find them upon penalty of fforty shillings.

And be it further Enacted by the Authority aforesaid that all Captains of the Companies in the Severall Towns within this Province do take due care to List all youth as they shall come to the Age of Sixteen Years, And if any debate shall arrise Concerning the Age of any such Youth the same shall be determined by the Oath of their Parents or any other Credible person taken before Some Justice of the Peace who are hereby Required and Impowered to Administer the Same in the words following Vizt I A. B. do Swear upon the Holy Evangelists of Almighty God that C: D: the Son of E. F. Listed in ..... Companys is ..... years old, and no older So help me God. which Oath being Certified by the said Justice to the Captain of the Said Militia Troop or Company where the said person is Listed, and it appearing upon Oath that Such person is not of the Age of Sixteen Years he shall be dismissed untill such time as he attain to that Age.



PROVIDED alwayes and it is hereby further Enacted and Declared That all the members of her Ma'tys Council, Justices of the Peace high Sherriffs Coroners and all other Officers of Courts Ministers School Masters Phisitians and Chyurgeons shalbe free from being Listed in any Troop or Company within this Province any thing Contained herein to the Contrary in any wise notwithstanding.

PROVIDED alwayes and be it further Enacted and declared by the Authority aforesaid. That nothing in this Act Contained be Expounded Construed or understood to diminish alter or abridge the power of the Captain Generall or Comander in Cheif for the time being, but that in all things and upon all occasions he may Act as fully & freely as Captain Generall or Comander in Cheif to all intents and purposes as if this Act had never been made any thing in this Act to the Contrary notwithstanding.

And be it further Enacted by the Authority aforesaid that all and every Act and Acts heretofore made for setling the Militia of this Colony or any ways relating thereunto be and are hereby for ever Repealed Reversed vacated and become null void and of none Effect And the Said Acts and all Articles and Clauses therein mentioned are hereby declared to be for ever Repealed Reversed vacated and become Null Void and of none Effect to all Intents Constructions and purposes whatsoever as if the same had never been made and Enacted any thing to the Contrary notwithstanding.

PROVIDED also and be it further Enacted by the Authority aforesaid That this Act nor any Article or Clause therein Contained shall be Construed or taken to allow or give Liberty unto any Negro, or to any Indian Slave or Servant to be Listed or to do any Duty in the Militia of this Province

PROVIDED alwayes That no person or persons whatsoever shall be Sued prosecuted or his goods & Chattles lyable to any Levy or Seizure by Virtue of any Clause in this Act before menconed but within the Space of three Calendar months after the Comitting the respective facts hereby made Offences & not at any time after the said three months. And be it further Enacted by the Authority aforesaid. That when ever it shall so happen That mony shall be raised by Act of Generall Assembly of this Colony for the raising and paying of men for the defence of the ffronti-  
tiers, the Severall and respective Captains or other Officers Comanding the Companies respectively for the time being shall and may by Virtue of this Act appoint or detach Such and So many of the respective Companys as shall be required for that Service by the Capt Generall or other Superior Officers by leaving a Note in writing at their respective Houses or last place

of abode Signifying when & where they shall appear ten dayes Inclusive, before the day of Such appearance, & if any person or persons for whome Such note shall be left as aforesaid, shall not appear at the time and place appointed and perform the service required of him he or they shall forfeit the Sum of Six pounds to be recovered by the Respective Captains or other Officers in the respective Courts of Comon Pleas of Such County or Place where Such offence shall be Comitted or offender shall be found by Accon of Debt Bill plaint or Informacon in w<sup>ch</sup> no protection Essoin Emparilance or Wager of Law shall be allowed, which forfeiture of Six pounds shall be applyed and given to the use of Such person or persons who shall be Summoned to appear & Serve in the Room of such offender makeing default of appearance as aforesaid.

Provided also, That this Act shall Continue and be of force for and during the time and Space of two yeares from the publication hereof and not longer.

[CHAPTER 115.]

[Chapter 115, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 194, 227. Title only is printed in Baskett, p. 62. Expired, November 12, 1704.]

An Act for the better Support and Maintenance of the Poor in the City of New York for the future.

[Passed, November 27, 1702.]

WHEREAS the Mayor, Aldermen and Comon Council of the City of New York, have Represented unto the General Assembly of this Province, that in the late Calamitous Distemper, which it please Almighty God to afflict the Inhabitants of the said City, the number and necessitys of the Poor were much increased; And the Sum of Money raised for the maintenance of the Poor in the said City, was farr short of giving them a necessary Support in this Emergency, for Remedy whereof and for the better Support and maintenance, for the future. Be it Enacted by his Excellency the Governour and Council and Representatives Conven'd in General Assembly, and by Authority of the Same, That hence forth it shall and may be Lawfull for Such persons as are Impowered to Raise and provide for the Maintenance of the Minister and the poor of the Said City, Annually in the Month of January, upon any Such Emergency, or whensoever a necessary Support or Supply for maintenance of the Poor of the said City, shall be wanted, at any other time, thro' out the wholl year to Assemble and meet together, and make

## [CHAPTER 135.]

[Chapter 135, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 227, 260. Title only is printed in Baskett, p. 72. The act referred to is chapter 114.]

An Act for the better and more Speedy Recovery of the forfeitures of Six pounds, for Persons not appearing upon Detachments and performing the Service required According to the purport of An Act of Generall Assembly of this Collony made in the first Year of her Matys Reign Entituled An Act for the better Setling the Militia of this Province &c

[Passed, June 19, 1703.]

WHEREAS by An Act of Generall Assembly of this Colony, made in the first Year of her present Matys Reign, Entituled, An Act for the better Setling the Militia of this Province, and making it more usefull, for the Security and Defence thereof, and for the Repealing of all former Acts heretofore made in this Province, Relating to the same; It is amongst other things Enacted, That when-ever it shall so happen, That Money shall be raised by Act of General Assembly of this Colony for the raising and paying of men for the Defence of the frontieers, the Several and respective Captains, and other officers Comanding the Companies Respectively, for the time being, shall and may, by virtue of the said Recited Act, Appoint or Detach, Such and So many, of the respective Companys as shall be required for that Service, by the Captain General or other Superior Officers, by leaving a Note in Writing at their respective Houses, or last place of abode; Signifying when and where they shall appear, Ten dayes Inclusive before the day of such appearance; And if any person or persons for whom Such Note shall be left, as aforesaid, shall not appear at the time and place appointed, and perform the Service required of him, he or they shall forfeit the Sum of Six pounds, to be recovered by the respective Captains or other Officers in the respective Courts of Comon Pleas of Such County or place where such Offence shall be Comitted, or offender shall be found, by Accon of Debt, Bill Plaint, or Informacon, in which no Protection, Essoyn, Imparance or Wager of Law shall be allowed, w'ch forfeiture of Six pounds is to be applyed and given to the use of Such person or persons who shall be Sumoned to appear and Serve in the Room of Such Offendor makeing Default of appearance as



aforesaid. And whereas the said Course and Method of proceeding appointed by the above Recited Act for the Recovery of the said fforfeiture of Six pounds aforesaid is to tedious & Delatory to Effect the true end and Designe of the said Act, by reason the said Courts of Comon Pleas are Seldom held, and of short Continuance, so that the said fforfeitures cannot so Speedily be had and Obtained as the service and applicacon thereof requires. For help and remedy of which Mischeife and Inconvenience. Be it Enacted by his Excel the Governour & Council and Representatives of this Colony in General Assembly Convened, and by the Authority of the Same. That from and after the publicacon of this Act the said penalty or forfeiture of Six pounds in and by the said above recited Act Set and appointed as aforesaid shall not be Sued for, had or recovered in the said Courts of Comon Pleas or any of them by Accon of Debt Bill, Plaint or any Accon or Informacon whatsoever to be Comenced prosecuted or followed thereby any person or persons whatsoever. But that it shall and may be lawfull thence fforward, for the better Recovery of the penalty or fforfeiture aforesaid, for every Captain or other Officer of any Militia Troop or Company within this Colony to apprehend and take into his or their Custodys wherever they shall be found Such persons or persons of their respective Troops or Companys who being Detacht or to be Detached according to the purport of the said Recited Act shall Incur the penalty and fforfeiture thereof, and the said person or persons So apprehended and taken into Custody to have and Carry before any three Justices of the Peace (one of which to be of the Quorum) of the County Town or place where such person or persons were Inhabiting or Resideing at the time of Incurring the penalty and forfeiture aforesaid. The which Justices of the Peace shall be and are hereby Authorized and Impowered upon Conviction of the Offendor, by Confession or otherwise by warrant under their hands and Seales to order and appoint the Levying and raising of the said Penalty or fforfeiture of Six pounds aforesaid upon and out of the Proper goods and Chattles of the Offendor if he have any, and for want thereof by like warrant to Comitt the said Offendor to Goale there to remaine one whole year without Baile or mainprize unless the said fforfeiture be sooner paid.

And Be it further Enacted by the Authority aforesaid that all and every Article Clause and thing in the said before recited Act menconed and Contained touching and Concerning the Sueing for or Recovery of the said fforfeiture of Six pounds only thereby appointed is and are, in and by these presents fully Cleerely and absolutely Repealed Annulled and made void, and So declared to Stand and be, to all Intents and purposes whatsoever, as if the

Same had never been therein Incerted. Provided alwayes that the said Sum of Six pounds fforfeiture aforesaid when and as often as the Same shall be Levyed and Raised upon any of the Offendors aforesaid, their goods or Chattles, the same shall be paid and Delivered to each respective Captain or other Officers aforesaid for the use and benifit of Such person or persons who shall do Duty for and Supply the place and Stead of the Offendor or Offendors according to the Direction and appointment of the said Act any thing in this present Act being Contained to the Contrary thereof in any wise howsoever.

Provided That this Act shall be of fforce no longer than the before recited Act.

### [CHAPTER 136.]

[Chapter 136, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, pp. 221, 254. Title only is printed in Baskett, p. 72. The act referred to is chapter 122.]

An Act to Supply the Defects of An Act of General Assembly made in the first year of her present Maties Reigne Entituled An Act for appointing and Enabling Commrs to take state and Examine the Accòunts of the Revenue of this Colony and the necessary Contingent Charge of the Government

[Passed, June 19, 1703.]

WHEREAS in and by one Act of General Assembly of this Colony made in the first year of her Ma'tys Reign Intituled An Act for appointing and Enabling Commrs to take State and Examine the Accòts of the Revenue of this Colony and the necessary Contingent Charge of the Government. Rip Van Dam Stephen De Lancy John Barberie Thomas Wenham and David Jamison Gentl have been and were Constituted and appointed Commrs for takeing Stateing and Examining the Accòts in ye said Act menconed, and to make returne of their proceedings therein unto ye House of Representatives, the first day of this present meeting or Sessions of Generall Assembly of this Colony, The wch matters have not nor could not be so well and Effectually done and performed within the time Limited as aforesaid, not onely in respect of the shortness of the said time but for want of Sufficient powers and Authorities, to the said Commrs in and by the said Act to have been given, for Supply and Remedy whereof, Be it Enacted and it is hereby Enacted by his Excellency, the Governour and Council, & Representatives in General Assembly Conveened and by the Authority of the Same That the Said Rip

Judgment & Judgments Sentence & Sentences against the said Coll Bayard & Alderman Hutchins & all & Every Matter & thing relating thereunto are Reversed, Annulled & made void & of no Effect to all Intents Constructions and Purposes wtsoever. AND the said Nicholas Bayard & John Hutchins hereby are & are declared and hereby Enacted to be as to their Honour & Property in the Same State Plight & Condition as if no Such Prosecution tryall Judgment or Sentence had been.

### THE TENTH ASSEMBLY.

#### *Second Session.*

(Begun Sept. 26, 1705; 4 Anne, Edward, Lord Cornbury, Governor.)

[No acts were passed at this session.]

### THE TENTH ASSEMBLY.

#### *Third Session.*

(Begun May 29, 1706; 5 Anne, Edward, Lord Cornbury, Governor.)

#### [CHAPTER 157.]

[Chapter 157, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 280. The act does not appear in Baskett. The original of this act does not appear to be in the office of the Secretary of State, but the Minutes of the Council of June 27, 1706, indicate that such an act was signed by the Governor on that date. (See Journals of Legislative Council, p. 240.) This copy is made from Brinley's Bradford. See chapter 114. Repealed by chapter 168.]

An Act for Reviving An Act of General Assembly, entituled, An Act for the better Settling the Militia of this Province, and making it more useful for the Security and Defence thereof, for the space of one year.

[Passed June 27, 1706.]

THE Apparent Danger and present Necessity requiring it, Be it Enacted by the Governour, Council and Assembly, and it is hereby enacted by the Authority of the same, That one Act of General Assembly entituled, An Act for the better settling the Militia of this Province, and making it more useful for the Security and Defence thereof, made in the first year of the Reign of her present Majesty, and late expired by its own limitation, shall be and is hereby Enacted by the Authority aforesaid, to be of force for and during the space and term of one year from the Twentieth Day of June in this present year of our Lord, 1706 and no longer.



Gun or other necessities shall forfeit and pay to the master of such Indian or Indians the Sum of Thirty Shillings, Current money of New York to be Recovered before any Justice of the Peace in the County where such offence Shall be Committed who is hereby Authorized and empowered to hear and Determine the Same and thereupon to award Execution the one half of such forfeitures to be to the master of such Indian or Indians and the other halfe to the use of the County where such Prosecution shall be made This Act to Continue and be of force for and Dureing the Space and Term of Seaven years from the Publication hereof.

## [CHAPTER 168.]

[Chapter 168, Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Brinley's Bradford, p. 307. Title only is printed in Baskett, p. 93. See chapter 157. Revived by chapter 193.]

AN ACT for Reviving an Act of General Assembly Entituled an Act for the better Setling the Militia of this Province & making it more usefull for the Security and Defence thereof.

[Passed September 18, 1708.]

BE IT Enacted by the Governour Council and Assembly and it is hereby Enacted by the Authority of the same. That one Act of General Assembly, Entituled, an Act for the better Setling the Militia of this Province & making it more Usefull for the Security & Defence thereof made in the first Year of the Reign of her present Maty expir'd by its own Limittation, shall be & is hereby Enacted by the Authority aforesaid to be of force for & during the Space & terme of one Year from the first day of September in this present Year, One thousand Seven hundred & Eight and no longer.

BE it further Enacted, & it is hereby Enacted by the Authority aforesaid, That for & during the time aforesaid, All persons by the said Act Exempted from being listed in the Militia Companies of the City of Albany and all other person or persons who have heretofore born any Office Civil or military within the said City (the Justices of the Peace for the time being only Excepted) be with all speed Listed into one Company under the Command of such Officer and Officers as his Excellency shall think fitt to appoint, which said Company is hereby ordered & directed to take its respective turn in mounting and keeping the Night Guards in the said City, and all persons to be Listed therein, are hereby made lyable to the same, & like Fines & Forfeitures as other the Militia Companies in the said City &

County by the said Act are made Lyable unto, they yet remaining Free & Discharged of all other Military Services Cases of Alarms Excepted.

AND be it further Enacted by the Authority aforesaid, That in Cases of Alarm, the Justices of the Peace within the said City & County & not being military Officers are to Join themselves to the said Company for the Comon defence of the said City & County on the Penalty as for neglect of such Duty, as by the said Act is appointed

AND be it further Enacted, by the Authority aforesaid that every Militia Officer within the said City, who shall be absent from the Militia Watch in his respective turn, or shall not stay there all the Night (Sickness Excepted) shall for every such offence forfeit the Sum of Six Shillings Currant money of New York to be Levied by Distress on the Offenders Goods & Chattles by Warrant under the hand & Seal of any one of the Field Officers within the City & County, to be applyed to the uses in the said Act directed, The said Act or any other Law, Usage or Custome to the Contrary hereof in any wise notwithstanding.

#### [CHAPTER 169.]

[Chapter 169, Livingston & Smith and Van Schaack, where title only is printed. Printed in full in Brinley's Bradford, p. 289; Baskett, p. 84. Expired, September 18, 1710. Livingston & Smith and Van Schaack, state that it was supplied by an act of Parliament.]

#### AN ACT for ye Encouragement of the Post Office within this Province.

[Passed September 18, 1708.]

WHEREAS the Publick Post-Office within this City of New York hath been found by Several yeares experience to be very advantagious to this Province in the Carrying and Recarrying Letters and other Dispatches with Speed and Safety, whereby a Mutual Correspondency amongst all our Neighbouring Colonies and Plantations hath been maintained, and Trade and Commerce been preserved; To the end therefore that the Same may be so mannaged and Encouraged, that Speedy and Safe Dispatches may be had, which is most Likely to be effected by Ascertainning and establishing such Rates and sums of money upon Letters and pacquets that shall be Received and Dispatched by ye said Office, as may effectually encourage the Same, Be it therefore Enacted by the Governour, Council and General Assembly, and by ye Authority of the Same, That the said General Post Office shall Remain, Continue and be in some Convenient Place within the City of New York, from whence all

## THE TWELFTH ASSEMBLY.

*Second Session.*

(Begun Sept. 8, 1709, 8 Anne, Richard Ingoldesby, Lieut. Governor.)

## [CHAPTER 193.]

[Chapter 193, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 93; Baskett, p. 99. See chapter 168. Revised by chapter 213.]

AN ACT for Reviving an Act of General Assembly, entituled an Act for the better settling the Militia of this Province & making it more usefull for the Security & Defence thereof.

[Passed September 20, 1709.]

BE it Enacted by the Lieut Govr Council & Assembly, & it is hereby Enacted by the Authority of the Same, That one Act of General Assembly, entituled an Act for the better Settling the Militia of this Province & making it more usefull for the security and defence thereof made in the first Year of Her Maties Reign, Expired by its own Limitation Shalbe and is hereby Enacted by the Authority aforesaid to be of force from the Publication hereof for and untill the first day of October wch shall be in the year of our Lord Seventeen hundred & Ten & no Longer.

## [CHAPTER 194.]

[Chapter 194, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1709 ed., p. 90; Baskett, p. 97. Continued by chapter 218.]

An Act for Laying a Duty on the Tonnage of Vessels and Slaves.

[Passed September 24, 1709.]

Be it Enacted by the Leint. Govr Council & General Assembly and by the Authority of the same. That every Master or Commander of any Ship or Vessel, the one half of which Ship or Vessel at least, does not belong to the Inhabitants in this Colony, Coasting Sloops belonging to the Massachusetts, Road Island, Conneticut and the Jerseys Excepted, who Shall Enter or Cleer in or out of this Colony shall pay Two Shillings Current mony of this Colony per Ton, for every Ton (according to the Tonnage of his Ship or Vessel) within Six days after the Arrival of such Ship or Vessel upon penalty & Forfeiture of Twenty Pounds Current mony of this Colony, to be forthwith



## THE THIRTEENTH ASSEMBLY.

See also original p. 707.

*First Session.*

(Begun Sept. 1, 1710, 9 Anne, Robert Hunter, Governor.)

## [CHAPTER 213.]

[Chapter 213, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 84. Printed in full in Baskett, p. 126. See chapters 114 and 193. Revived by chapter 235.]

AN ACT, for reviving an Act of General Assembly entituled, an Act for the better Settling the Militia of this Province, & making it more Usefull for the Security & defence thereof.

[Passed October 30, 1710.]

BE it Enacted by his Excellency the Governour, Council & Assembly, & by the Authority of the same, That one Act of General Assembly, entituled an Act for the better Settling the Militia of this Province, & making it more Usefull for the Security & defence thereof, made in the first Year of Her Maties Reign, expir'd by its own Limitation, shall be and is hereby Enacted by the Authority aforesaid, to be of force from the publication hereof; until the first day of November which shall be in the Year of our Lord, One thousand Seven hundred & Eleven, & no Longer.

And be it further Enacted by the Authority aforesaid, That during the continuance of this Act, all the Civill officers, and all those that formerly have had Military Commissions, those not in immediate Command, & others who are not listed in the City Companies or Troop inhabiting in the City of Albany (except Ministers of the Gospel) be Oblig'd to list themselves in a Company, which is to be Commanded by a Capt & two Lieu'ts, such as his Excellency the Govr shalbe pleas'd to appoint, out of the said Civill or Military Officers, which Company is hereby directed & ordered altogether to take its respective turn in mounting & keeping the night Guards in some Convenient place in the said City, as other Companys of Militia of the said city do; & if any of the said Civill or Military officers shall refuse to accept of such Commission, he or they shall forfeit Twenty pounds, one half thereof to be apply'd towards the fortifying the City of Albany, & the other half to such person or persons as shall Sue for the same; & if any person who is not listed in the City Companys or Troop at Albany, shall refuse or neglect to list themselves in the said Company, in the Space of thirty days after the publication of this Act, shall forfeit for such Offence Six pounds, to be recovered &

apply'd as aforesaid; & if any of the said Company shall refuse or neglect to mount the Guard in his turn, & keep the night Guard, or send a fitt man in his Room, who shall be accepted of by the Capt of the Guard, such person shall forfeit for each such Offence three shillings, for the use of the said Guard, to be Levy'd by distress of the offenders goods & Chattles, by warrant under the hand & Seal of the Capt of the said Company.

And be it further Enacted by the authority aforesaid, That in time of danger & alarm, all the Inhabitants of the City and County of Albany (Except those of Schenectady) as well those who are listed in the Militia Companies as those who are not, do upon the first warning come in, with their Arms into the City of Albany, for the defence thereof (if not prevented by sickness, or other Inevitable accident) upon penalty of forfeiting of Ten pounds to be apply'd, one half for the fortifying the City of Albany, & the other half to Such person or persons as shall Sue for the same; and that those Militia Companies in the County of Albany (Except Schenectady as aforesaid) with their respective officers, shall take their turn in mounting & keeping the night Guards in some Convenient place in the said City, as other Companies in the said City do, during the time of allarm, upon penalty of forfeiting for each offence three shillings, for the use of the said Guard, to be levy'd in manner as aforesaid, as also that the Civil Officers in the County, & those that are not listed in the said Militia Companys, as aforesaid, shall Enroll with the aforesaid Company of Civill & Military officers, & those that formerly have had Military Commissions and take their turn in mounting & keeping the night Guard, Equall with them, during the time of Alarm.

And be it further Enacted by the authority aforesaid, That the Officers of the two Militia Companies, & other officers in the City of Albany belonging to the Regiment, they or any other fitt officer in their roome, shall take their respective turns in mounting & keeping the night Guard, upon the penalty of forfeiting for every Offence six shillings; and that the Major shall every Evening goe the Majors Rounds, or the Captain of the Guard, upon penalty of forfeiting Six shillings, to be Levy'd by distress of the Offenders goods & Chattles by Warrant under the hands & Seal of the Colonel of the said Regiment.

And be it further Enacted by the Authority aforesaid, That for the better regulating of orders on the said Guards, a Court Marshall shall be held in the City Hall of Albany every first Monday in the Month, any Law, Usage or Custom to the Contrary notwithstanding.

And be it further Enacted by the same Authority to prevent any Inconvenience may happen by the Death of either the said Robert Walters or Robert Lurting, or of Capt Peter Van Brugh or Mr. Hendrick Hansen Comm'rs at Albany, relating to the Same Expedition, the Surviving Comm'r respectively. shall have the same Powers and performe the same Service and Dutys as both of the said Comm'rs respectively should have & performe were they alive.

## [CHAPTER 235.]

[Chapter 235, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford's 1715 ed., p. 88; Baskett, p. 137. See chapter 213. Revived by chapter 258.]

An Act reviving an Act entituled an Act for the better Setling the Militia of this Province & make it more Usefull for the Security & defence thereof.

[Passed, November 24, 1711.]

Be it Enacted by the Govern'r Council & Assembly & it is hereby Enacted by the Authority of the Same, That an Act, entituled, an Act for the better Setling the Militia of this Province & making it more Usefull for the Security and defence thereof, made in the first year of Her present Maty's Shalbe and is hereby Enacted by the Authority aforesaid, to be of force, for and untill the first day of November Seventeen hundred and Twelve and no longer.

## [CHAPTER 236.]

[Chapter 236, of Livingston & Smith and Van Schaack, where the act is printed in full. Printed in full in Bradford's 1715 ed., p. 88; Baskett, p. 136.]

An Act to prevent the Impairing the Fortifications.

[Passed, November 24, 1711.]

Be it Enacted by the Governour, Council and Assembly & by the Authority of the same. That any Person or Persons, who shall be Convicted, by the Oath of one Credible Witness, before any Justice of the Peace in this Colony, who is hereby authoriz'd and requir'd to hear and Determine the same, of Demolishing, Spoiling or Impairing any part of the Fortifications, that now are, or hereafter shall be made and Erected, in this Colony, shall



Ward in the City of Albany shall upon Warning given from the Justices of the said City and County or from any Two of them, Elect one freeholder of the said Ward, to Serve as an Assessor, in stead and room of Mr. Johannes Cuyler; And that the Inhabitants of the third Ward in the said City shall in like manner Elect Two freeholders of that Ward, to Serve in stead of Mr. Hendrick Hanssen and Mr. Wessell ten Broek; And likewise That the freeholders and Inhabitants in the Mannor of Renslaerwyck Do in the same Manner as aforesaid Elect One freeholder of the said Mannor to Serve in stead of Captain Jonas Dow, at any time on or before the twenty fifth Day of December next ensuing. But if the Inhabitants and Freeholders as aforesaid upon such Warning given as above should neglect of all or any of such Election as aforesaid, Then the said Justices or any Five of them shall have Power and are hereby Authorized and required to appoint such four Persons, to Serve as Assessors as afore expressed, by Warrant under their hands and Seals, untill the first Tuesday in April, which will be in the Year of our Lord one thousand seven hundred and thirteen; And such persons, so Elected or appointed as aforesaid, shall be Subject to such pains and penalties as other Assessors of this Colony are.

## [CHAPTER 258.]

See also original p. 779.

[Chapter 258. of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford's 1715 ed., p. 161, 165. Title only is printed in Baskett, p. 146. Expired, November 1, 1713. See chapter 235. Revived by chapter 260.]

An Act for reviving an Act, entitled, an Act for the better Settling the militia of this Province & making it more Usefull for Security & defence thereof & for repealing all former Acts heretofore made in this Province relating to the Same.

[Passed, December 10, 1712.]

Be it Enacted by the Govern'r Council and Assembly and by the Authority of the same, That an Act, entitled an Act for Settling the Militia of this Province, and making it more Usefull for Security and defence thereof, and for repealing all former Acts heretofore made in this Province relating to the Same, made in the first year of Her Ma'tys Reign expir'd by its owne Limitation shall be hereby Enacted by the Authority aforesaid

to be of Force from the publication hereof until the first day of November w<sup>ch</sup> will be in the year of our Lord Seventeen hundred and thirteen.

## THE FIFTEENTH ASSEMBLY.

### *First Session.*

(Begun May 27, 1713, 12 Anne, Robert Hunter, Governor.)

### [CHAPTER 259.]

[Chapter 259, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715, ed., p. 168. Title only is printed in Baskett, p. 149. The original of this act is not in the office of the Secretary of State. This copy was made from Bradford, 1715 ed. From the Minutes of the Council it appears that an act of this title was signed by the Governor, July 1, 1713. (See Journal of Legislative Council, p. 361.)]

An Act for a Supply to be granted to her Majesty for Supporting the Government.

[Passed, July 1, 1713.]

BE it enacted by his Excellency the Governour, Council and General Assembly, and by the Authority of the same, That there be given and granted to her Majesty, Her Heirs and Successors, for the Support of her Government in the Colony of New-York, for one Year, commencing from the thirteenth Day of June Anno One Thousand Seven Hundred and thirteen, Seven Thousand Ounces of Plate of the Spanish Coyns of Seville, Pillar and Mexico or the Value thereof in Lyon Dollars or half Dollars, at thirteen Penny weight and eighteen Grains each Dollar, or in Bills of Credit current in this Colony, to be paid to Her Majesties Receiver General, for the Time being, out of the Duties and Impositions herein after-mentioned, to be Collected in manner following, (that is to say)

For every Pipe of Wine, and so in proportion for a greater or lesser Quantity, Imported into this Colony in Bottoms wholly owned by the Inhabitants of this Colony, five Ounces of Plate aforesaid.

For every Pipe of Wine, and so in proportion for a greater or lesser Quantity, Imported in Bottoms not entirely owned by the said Inhabitants, Seven Ounces and a half of Plate aforesaid.

For all European Goods, Imported into this Colony from Boston, Twelve Ounces and a half of like Plate for every hundred Pounds Value prime cost, so Imported, and so proportionably for a greater or smaller quantity. And

## [CHAPTER 260.]

[Chapter 260, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 169. Title only is printed in Baskett, p. 149. The original of this act is not in the office of the Secretary of State. This copy was made from the Bradford, 1715 ed., p. 169. From the Minutes of the Council it appears that an act of this title was signed by the Governor, July 1, 1713. (See Journal of Legislative Council, p. 361.) See chapter 258. Revived by chapter 296.]

An Act Reviving and Continuing an Act, entituled An Act for the better Settling of the Militia of this Province, and making it more useful for the Security and Defence thereof; and for Repealing all former Acts heretofore made in this Province relating to the same.

[Passed, July 1, 1713.]

BE it enacted by the Governour, Council and Assembly, and it is hereby Enacted by the Authority of the same, That a late Act, entituled, An Act for the better Settling the Militia and making it more Useful for the Security and defence thereof, and for Repealing all former Acts heretofore made in this Province relating to the same, made in the first Year of her present Majesty, shall be and is hereby Enacted by the Authority aforesaid, to be of force for and until the full End and Term of one whole Year, and no longer, to Commence from the last day of October next ensuing.

## [CHAPTER 261.]

[Chapter 261, of Livingston & Smith, where the title only is printed. Chapter 261, of Van Schaack, where the act is printed in full. Printed in full in Bradford, 1715 ed., p. 169; Baskett, p. 147. The original of this act is not in the office of the Secretary of State. This copy was made from Bradford, 1715 ed., p. 169. From the Minutes of the Council, it appears that an act of this title was signed by the Governor July 1, 1713. (See Journal of Legislative Council, p. 361. See chapter 172.)]

An Act for Repealing part of a Clause in an Act, entituled, An Act for the more Effectual preservation of Deer and other Game, and the Destruction of Wolves, Wild-Cats and other Vermine.

[Passed, July 1, 1713.]

BE it enacted by the Governour, Council and Assembly and by the Authority of the same, That that part of a Clause relating to



## [CHAPTER 296.]

[Chapter 296, of Livingston & Smith and Van Schaack, where title only is printed. Printed in full in Bradford, 1715 ed., p. 222. Title only is printed in Baskett, p. 216. See chapter 260. Revived by chapter 315.]

An Act for Reviveing an Act Entituled an Act for the better Settling the Militia of this Province, and makeing it more Useful for the Security and Defence thereof, and for Repealeing all former Acts heretofore made in this Province relateing to the same.

[Passed, July 5, 1715.]

BE IT ENACTED by the Governor Councill and Assembly And it is hereby Enacted by Authority of the same, That an Act Entituled, an Act for the Settling the Militia of this Province and makeing it more usefull for the Security and Defence thereof, And for Repealeing all former Acts heretofore made in this Province relateing to the same, made in the ffirst Year of the reigne of her late Majesty Queene Anne of blessed Memory, Expired by its own Limitation, Shall be of fforce from the Publication hereof untill the first day of November which will be in the Yeare of our Lord One thousand Seven hundred and Sixteen.

## [CHAPTER 297.]

[Chapter 297, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1715 ed., p. 231. Title only is printed in Baskett, p. 216.]

An Act for building a County-House and Prison in Dutchess Connty, within this Colony.

[Passed, July 21, 1715.]

BE IT Enacted by His Excellency the Governour and Council, and Assembly, AND IT IS hereby Enacted by the Authority of the Same, That the Justices of the peace for Dutchess County in this Colony, or the Major part of them, are, and are hereby Authorized, impowered and required within Forty Days next and after the Publication of this Act, to meet together at such place or places within the said Connty, as unto them shall seem meet, And then and there Issue forth their Warrant or Warrants, under their hands and Seals, to the Constable or Constables of the said Connty, requiring them, and every of them, to warn all the Free-holders inhabiting within the said County, that they assemble and meet together at such time and place within the said

## THE SEVENTEENTH ASSEMBLY.

*First Session.*

(Begun June 5, 1716, 2 George I; Robert Hunter, Governor.)

## [CHAPTER 314.]

[Chapter 314, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 131. The act is not in Baskett. See chapter 167. Continued by chapter 398.]

An Act for Reviving an Act, entituled, an  
Act for the Encouragement of Whaling.

[Passed, June 30, 1716.]

Be it Enacted by the Governour, Council and Assembly, and by the Authority of the same, That one Act of General Assembly, entituled, an Act for the Encouragement of Whaling, made in the Seventh Year of the Reign of her late Ma'ty Queen Anne (of Glorious Memory) expir'd by its own Limita'tion, shall be, and is hereby Enacted by the Authority aforesaid, to be of force from the Publication hereof, for & until the first day of November, which shall be in the Year of our Lord One Thousand Seven hundred and Twenty & no Longer.

See also original p. 888.

## [CHAPTER 315.]

[Chapter 315, of Livingston & Smith and Van Schaack, where the title only is printed. The act is not in Bradford, 1732 ed., or Baskett. See chapter 296. Revived by chapter 334.]

An Act Reviveing an Act, Entituled, an  
Act for the better Settling the Militia of this  
Province, and making it more useful for the  
Security and Defence thereof, And for Repeale-  
ing all former Acts heretofore made in this  
Province relateing to the same.

[Passed, June 30, 1716.]

BE IT ENACTED by the Governor, Council and Assembly, And it is hereby Enacted by the Authority of the same, That an Act, Entituled, an Act for the better Settling the Militia of this Province, and making it more useful for the Security and Defence thereof, And for Repealing all former Acts heretofore made in this Province relating to the Same, made in the first Year of the Reign of her late Majesty Queen Anne (of blessed Memory)

Expired by its own Limitation, Shall be of force from the first day of November next Ensuing, untill the first day of November which will be in the Year of our Lord One thousand Seven hundred and Seventeen.

[CHAPTER 316.]

[Chapter 316, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 130. This act is not in Baskett. See chapter 151. Expired, July 1, 1730.]

An Act for preserving Deer in the County of Ulster, and Reviving an Act, entitled, an Act for the Preservation of Deer.

[Passed, June 30, 1716.]

Be it Enacted by the Gov'r, Council & Assembly, & it is hereby Enacted by the Authority of the same, That any person or persons within the County of Ulster, Christian or Indian, Freeman or Slave, that shall kill or Destroy a Buck, Doe or Faun, or any Sort of Deer at any time of the Year, Except only between the first Day of August, and the first Day of January, shall be Liable to the pains, penalties, Forfeitures and Regulations, men'coned and express'd, in an Act, entitled, an Act for the preservation of Deer, made in the fourth Year of the Reign of our Sovereign Lady Queen Anne (of Glorious Memory) expired by its own Limita'con, which Act shal be & is hereby Enacted by the Authority aforesaid- to be in force from the publication hereof, for and Until the first Day of July, which shall be in the Year of our Lord Seventeen hundred & Thirty.

[CHAPTER 317.]

[Chapter 317, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 131. This act is not in Baskett. See chapter 244.]

An Act to prevent the selling & giving of Rum or other Strong Liquors to the Indians.

[Passed, June 30, 1716.]

WHEREAS it hath been found by Experience, that the Use of Rum & other Strong Liquors, by the Indians of the County of Albany, has not only been destructive to their Bodys, but their Minds are thereby so deprived of the right use of their Natural understanding & Reason, that they become Ungovernable, & are led into the practices of all sort of Vice & Immorality; for prevention whereof for the future, Be it Enacted by the Gov'r, the



[CHAPTER 334.]

[Chapter 334. of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford. 1732 ed., p. 173; Baskett, p. 232. Expired in 1718. See chapter 315. Revived by chapter 357.]

An Act Reviving an Act, Intituled, an Act for the Better Settling the Militia of this province and making it more usefull for the Security and Defence thereof, And for Repealing All former Acts heretofore made in this province relating to the Same.

[Passed, May 27, 1717.]

BE IT ENACTED by the Governour Council & Assembly, And it is hereby Enacted by the Authority of the Same, That an Act, Intituled, an Act for the better Settling the Militia of this province, and making it more usefull for the Security and Defence thereof, And for Repealing all former Acts heretofore made in this Province Relating to the Same, made in the first Year of the Reign of her late Majesty, Queen Anne (of Blessed Memory) Expired by its own Limitation, Shall be of force from the first day of November next Ensuing, until the first day of November which will be in the Year of our Lord One Thousand Seven Hundred and Eighteen.

[CHAPTER 335.]

[Chapter 335. of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 173. Printed in full in Baskett, p. 229. See chapter 282. Expired, May 1. 1720.]

An Act Reviving an Act, entituled, an Act for Encouraging the Indian Trade at Albany.

[Passed, May 27, 1717.]

BE it Enacted by the Governour, Council & General Assembly, and it is hereby Enacted by the Authority of the Same, That an Act, entituled, an Act for Encouraging the Indian Trade at Albany, made in the thirteenth Year of the Reign of her late Ma'ty, Queen Anne, of Glorious Memory, expired by its owne Limittation, shall be of Force from the Publication hereof, until the first Day of May, which shall be in the Year of our Lord, One Thousand Seven hundred and Twenty.

## [CHAPTER 357.]

[Chapter 357, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 178. Printed in full in Baskett, p. 286. See chapter 334. Continued by chapter 385.]

An Act for the reviving an Act of General Assembly entituled an Act for the better Settling the Militia of this Province & making it more Usefull for the Secureity & Defence thereof,

[Passed, July 3, 1718.]

BE it Enacted by the Governour Council and Assembly, and it is hereby Enacted by the Authority of the Same, That one Act of General Assembly entituled an Act for the Settling the Militia of this Province and makeing it more Usefull for the Security and Defence thereof made in the first Year of Her late Ma'tys reign, expired by its own Limittation, Shall & is hereby Enacted by the Authority aforesaid, to be of force from the Publication hereof, for and untill the first day of November, which Shall be in the year of our Lord, One thousand seven hundred & Twenty, and no Longer.

## [CHAPTER 358.]

[Chapter 358, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. Printed in full in Baskett, p. 286. Expired, July 3, 1723.]

An Act for Establishing Pilotage.

[Passed, July 3, 1718.]

WHEREAS his Excellency by the Advice of his Ma'tys Council hath granted a Warrant to Jacob Mauritz and William Kirten Severally and Jointly to be Pilots for the Port of New York to take under their care his Ma'tys Ships of War and all other Ships and Vessels requiring a Pilot that shall come into, and goe out of the said Port, at such rates & allowances as are particularly Expressed in the said Warrant, They the said Jacob Mauritz and William Kirten having entred into Bond with Sufficient Sureties to keep an able Pilot

## THE SEVENTEENTH ASSEMBLY.

### *Eighth Session.*

(Begun Oct. 13, 1720, 7 George I, William Burnet, Governor.)

#### [CHAPTER 385.]

[Chapter 385, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 201. See chapter 357. Repealed by chapter 419.]

An Act for Continuing an Act of General Assembly entituled an Act for the better Settling the Militia of this Province and making it more Useful for the Security and defence thereof.

[Passed November 19, 1720.]

Be it Enacted by the Gov'r Council and Assembly and it is hereby Enacted by the Authority of the Same That one Act of General Assembly entituled an Act for the better Settling the Militia of this Province and making it more Useful for the Security and defence thereof made in the first Year of the reign of her late Ma'ty Queen Anne of blessed Memory Shall be of force from the first day of November One Thousand Seven hundred and Twenty until the first day of November, which will be in the Year of our Lord One Thousand Seven hundred and Twenty One.

#### [CHAPTER 386.]

[Chapter 386, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 201. See chapter 270. Expired June 1, 1721. So far as relates to Suffolk County revived by chapter 404.]

An Act for Reviving an Act of General Assembly entituled an Act for the further laying out, Regulating and better Cleering Publick highways thro' out this Colony.

[Passed November 19, 1720.]

BE it Enacted by the Governour Council and Assembly and it is hereby Enacted by the authority of the Same, That one Act of General Assembly entituled an Act for the further laying out Regulating and better Cleering Publick highways thro' out this Colony made in

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the Sum of Six Shillings Current money of New York to the Judge of the Said Courts respectively and each and every of them three Shillings to the Clerk.

AND be it further Enacted by the Authority aforesaid that if the Said Persons having Sworne and Subscribed as aforesaid, Shall Demand a Certificate or Certificates of his or their being entred upon Record in Manner aforesaid, the Said Court or Courts are hereby Directed & required to grant the Same under the hand and Seal of the Judge and of the Said Court in which the Said Johannus Van Soolingen, Johan Remerse, Henrick Schliedorn John Bernard Voediren and Johannus Hausz Shall so Sware and Subscribe, Counter Signed by the Clerk of the Said Court for which Certificate the Persons or Persons REQUIRING the Same Shall pay over and above the Nine Shillings before Mentioned, the Sum of Six Shillings one half to the Judge of the Said Court or Courts and the other half to the Clerk thereof which Said Certificate or Certificates Shall at all times be a Sufficient proof of the Person or Persons being Naturalized by this Act as if the Record aforesaid were actually produced by the Said Johannus Van Soolingen Johan Remerse, Henrick Schliedorn Johan Bernard Voediren and Johannus Hausz or any of them any Law usage or Custom to the Contrary hereof in any wise notwithstanding.

See also original p. 85.

#### [CHAPTER 419.]

[Chapter 419, of Livingston & Smith and Van Schaack, where the title only is printed. This act is not in Bradford, 1732 ed. See chapter 357. Repealed by chapter 448.]

An Act for Settling the Militia of this Province and the making of it usefull for the Security and Defence thereof and for Repealing all former Acts Relating to the same

[Passed, July 27, 1721.]

WHEREAS the Safety and Defence of this Province Greatly Depends upon the Militia being put under such Rules and Methods as are most Agreeable to the Preservation thereof, and to the end that the Inhabitants should be Well Armed and Trained up in Acts Military as well for the Honour and Service of his most Sacred Majesty as for their Own Preservation.

BE IT ENACTED and Ordained by the Governour Council and Representatives in Generall Assembly Met and Assembled and by Authority of the same that no Person whatsoever from Sixteen to

Sixty Years of Age shall Remain Unlisted by themselves their Parents Masters Mistresses or Employers under the Captains of their Respective Places of Abode in foot or Horse the Space of one Calendar Month after their Attaining the Age of Sixteen Years or after their Arrival or coming to Reside or Sojourn in any Place within this Province on Penalty of Twenty Shillings and so for every Month such Person after Notice thereof Given shall Remain Unlisted.

AND that every foot Soldier be Provided with a Well fixed Musket or Fuzee a Good Sword Belt and Cartouch Box Six Cartridges of Powder and Six Sizeable Bullets and so shall Appear when and where Required upon Penalty of Ten Shillings in the City of New York and every Respective County in this Province five shillings for Defalt of not Appearing Three Shillings for want of each well fixed Musket or Fuzee Sword Belt or Cartridge Box and of One Shilling for want of each Cartridg or Bullet so as the whole Penalty Exceed not Twenty Shillings.

AND that every Soldier belonging to the Horse shall when and where Commanded Appear and be Provided with a Good Serviceable Horse of fourteen Hands at least High Covered with a Good Saddle with Holsters Breast Plate and Crupper a Case of Good Pistolls a Hanger Sword or Rappier half a Pound of Powder and Twelve Sizeable Bullets on Penalty of Twenty Shillings for none Appearance for want of a Sizeable Horse of Ten Shillings for WANT of a Good Saddle Holsters Breast Plate or Crupper of three Shillings and for Want of each Bullet and Charge of Powder of One Shilling so that the whole Penaltys for One time Exceed not Twenty Shillings.

AND that every foot Soldier shall have at his Habitation or Place of Abode One Pound of Good Powder and three Pounds of Sizeable Bulletts, and every Trooper or Soldier belonging to the Horse shall have at his Habitation or Place of Abode a well fixed Carabine with Belt and Swivell and Two Pounds of Fine Powder with Six Pounds of Sizeable Bullets on Penalty of Ten Shillings each Soldier of foot or Horse.

AND for a Constant Supply of Troopers in each City and County throughout the same Province where Troops have been and are in being whensoever by Death or otherwise it shall happen there be forever in Number than Fifty in One Troop. BE IT ENACTED by the Authority aforesaid that it shall and may be Lawfull to and for the Colonel or other Chief Officer of the foot Militia of the same

City or County for the time being to Present Double the Number of such as are Dead or otherwise Wanting to make up the same Troop to be fifty out of the foot Militia of the Same City and County at his Discretion whom he shall Judge best Capable of Serving in the Horse to the Captain General or Commander in Chief for the time being who from time to time as there is Occasion may List and order so many of them to be of said Respective Troops as may Compleat the Number of Fifty, And the Residue of them shall Continue Soldiers on foot untill Ordered to the Contrary, And every Person so Presented and Ordered by the Captain Generall or Commander in Chief for the time being to be Inlisted in the same Troop are hereby Obligated to Provide themselves with all Necessary Equipage proper Arms and Ammunition and to serve in said Troop upon Pain of Ten Pounds.

AND BE IT FURTHER ENACTED by the Authority aforesaid that upon Notice Given of a Generall Muster or of the Appearance of any of any Particular Company or Troop no Person whatsoever Listed in Foot or Horse in manner aforesaid shall withdraw himself from that Service or go out of Town without first having Acquainted his Superior Officer therewith and of the Urgent Necessity and without having the Leave and AUTHORITY of his Superior Officer so to do on Penalty of Ten Shillings, And no Commission Officer in such case shall withdraw himself from that Service out of Town without giving Notice to and having the leave of his Superior Officer on Penalty of Twenty Shillings, AND that no Serjeant Corporall or Drummer do Absent themselves or go out of Town without such Notice given and leave had from his Captain or other Commission Officer on Penalty of Twelve Shillings.

AND WHEREAS upon some Emergency happening It may be found Necessary to keep Military Watch or Guard in some Part or Parts of the province BE IT ENACTED by the Authority aforesaid that in such case it shall and may be Lawfull for any Person or Persons Listed in any Regiment of this Province to Put a well Armed Man in their Room who if Approved of by the Captain of the Guard shall Excuse his or their Absence PROVIDED always that the Commission Officers in their turns be Obligated to Mount the Guard in their proper Persons, if the Military Watch or Guard be so Great as to Require a Commission Officer to Attend and Command PROVIDED always that no Person or Persons thereunto Required by their Superior Officer or Captain to be Serjeant Corporall or Drummer in the Company wherein he is listed do Refuse to serve under the Penalty of Forty Shillings.



AND BE IT FURTHER ENACTED by the Authority aforesaid that all Captains of foot Companys or Troops or Horse shall within Twelve Months after Publication of this Act Provided for their Companys and Troops Drums and Colours Trumpets and Banners and Drummers and Trumpeters at the Proper Charge of their Respective Officers Troops and Companys under the Penalty of Ten Pounds and so for every four Months such Captain shall Remain Unprovided, And that all the Colonells of the Respective Regiments or next Chief Officer shall once every Year at least Issue out their Warrants to the Inferior Officers Commanding them to make Diligent Search and Inquiry into their Severall Precincts that all Persons be duly Listed Armed and Equipped And to Return TO them such Defects as shall be found to the end the same may be Reform'd on the Penalty of Twenty Pounds, And that once every three Months or Oftener as Occasion shall Require and Command Given by the Captain Generall or Commander in Chief for the time being the Several Companys and Troops in each Regiment shall Meet at the next and most Convenient Place to be Appointed by the Respective Officers to be then and there by them Mustered and Exercised.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that During the time the said Officers and Soldiers are in Arms they shall Observe and keep all and every the Laws and Articles of Warr and give all due Obedience to their Superior Officers which Laws and Articles the Captain Generall or Commander in Chief for the time being with Advice of a General Council of Warr is to make and Establish And the Commanders of the Several Regiments or other Chief Officer of a County are to give out Copys of the said Articles unto the Respective Officers under them that the same may be Publickly Read once every three Months unto the Soldiers Whilst they are in Arms that all Persons may the better Know and Observe their Dutys And if it shall happen that any of the Officers or Souldiers whilst they are out of Arms endeavour to take Revenge by force for any thing his or their Superior Officer Lawfully did in Pursuance of his and their Duty and this Act, the said Officer or Soldiers shall be brought to a Court Martial, and there Punished, as if the Offence had been done in time of Service or Exercise. PROVIDED That Punishment shall not Extend to life or Limb. PROVIDED also, That until such time as these Laws and Articles of War are Established by the said General Court Martial, every Soldier under Arms, that shall not Give due Obedience to his Superior Officer, shall forfeit the Sum of Ten Shillings for each

Offence, and be Committed to the next Goal till the said Fine is paid, with Prison Charges, and the Sheriff of each City and County is hereby Authorized and Impowered to take such Offenders into Custody, by Virtue of the Officers Warrant under his Hand and Seal, in writing, and them to keep in safe Custody till the fine and Prison fees be paid and Satisfyed.

AND BE IT FURTHER ENACTED by the Authority aforesaid, That Once every Year, or Oftener if thereunto Required, each Particular Captain shall give to his Colonel or Feild OFFICER, and the Colonel or Field Officer to the Captain General or Commander in Chief, for the time being, fair Written Rolls of their Respective Companys and Regiments. And if any Field Officer, Colonel, or other Inferior Officer shall Neglect or Refuse to Perform the Lawful Commands of their Superior Officers, he or they shall be Punished by Fine, Casheering, or other Punishment, according to the Discretion of a Court Martial, which Captain General or Commander in Chief is to Establish and Appoint; And the orders of the said Court Martial are hereby Declared to be Binding in all Military Affairs. And if any Person, upon any Invasion, or other Publick Military Service, shall be Wounded or Disabled, he shall be Cared and Maintained out of the Publick Revenue of the Province. And if any Person shall be Sued, Molested and Impleaded for any thing Lawfully Commanded or done in the Execution and Performance of this Present Act, he shall Plead the GENERAL ISSUE, and give this Present Act in Evidence, and shall thereupon, if found for him, Recover Treble Costs of Suit.

PROVIDED always, That the Several fines and forfeitures, Mentioned in this Act, shall be Levyed, Recovered and Disposed of as followeth, VIZT. That all such as do Relate to any Person under the Degree of a Captain, shall be Adjudged by, and be to the Respective Captains, to Defray the Charges of their Companys and Troops, and to be Levyed before the next Exercising Day, by Distress and Sale of the Offenders Goods, by the Captains Warrant to the Serjeant or Corporal, so as Aforesaid Appointed by the Captain; but if the Offender be a Servant, or under his Parents, the Parents or Masters Goods shall be liable to such Distress and Sale, as aforesaid, so that Satisfaction shall be made. And if any such Serjeant or Corporal shall Refuse to Execute such Warrant so to him Granted, such Serjeant or Corporal shall forfeit for every such Offence or Neglect, for the use aforementioned, the Sum of Forty Shillings, to be Levyed by Distress by such other Serjeant or Corporal by the

like Warrant, under the Hand and Seal of the Captain, as is before Expressed. AND for all other Penalties Mentioned in this Act, the same to be Levied by Distress and Sale of the Offenders Goods and Chattles by the Provoost Marshal or Clerk of the Regiment, by Warrant from the Captain General or Commander in Chief, for the time being, or of the Chief Field Officer where such Offenders are, One half thereof shall be to the Captain General or Commander in Chief, for the time being, And the other half to the said Field Officer of that Regiment where the Offence is Committed. And if the fines that do Relate to Persons under the Degree of a Captain shall not Amount to a Sum Sufficint to Defray the Charge of the Captains of Companies and Troops, that then what is wanting shall and may be Levied upon the Several Soldiers Equally, by Warrant or Order of the Colonel or Chief Officer of the Regiment, Troop or Company.

AND where no Effects whereon to Distrain are to be found the Person Offending is to be sent to Prison there to Remain till Satisfaction shall be made with Prison fees, And the Serjeant Corporalls and Provoost Marshall or Clerk of the Regiment are to Reserve to themselves out of each Distress or Fine the Sum of three Shillings for Executing each Warrant from their Captain or other Superior Officer, Provided always that in case of a Military Watch or Night Guard where a Captain doth not Command in Person the Warrant of Distress Granted by an Inferior Officer who did Command the Guard or Watch shall be of the same Authority against Defaulters as if it were made and Done by a Captain any thing in this Act to the Contrary thereof in any ways Notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that no Person whatsoever do Presume to Fire any Small Arms after Eight of the Clock at Night unless in case of Alarm Insurrection or any other Lawfull Occasion, In which case four Muskets or small Arms Distinctly Fired, or where Great Guns are The Firing of One Great Gun and Two Muskets or small Arms Distinctly and beating of a Drum shall be taken for an Alarm which shall be Continued along from Place to Place throughout the Province, And every Person that shall Neglect his Duty in taking and Giving forward an Alarm by Firing and Beating Drum as aforesaid or that shall Fire Arms after Eight a Clock at Night shall be Fined or Punished at the Discretion of a Court Martial not Extending to Life or Limb; And in case of an Alarm every Soldier is immediately to Repair Armed to his Colours or Parade on Penalty of five Pounds, Which shall be understood to be to ye Habita-



tion of his Respective Captain; unless it shall be otherwise Ordered and Appointed.

AND for the better Prevention of false Alarms BE IT FURTHER ENACTED by the Authority aforesaid that no Captain Master or Commander of any Ship or Vessell Riding at Anchor in any of the Rivers or Harbours or Bays of this Province nor any other Person do Fire any Gun or Beat any Drum after Eight of the Clock at Night under Penalty of four Pounds for every Gun so Fired or Drum Beaten to be Levied by Warrant from the Chief Officer of the Regiment next Adjoyning not under the Degree of a Captain who is hereby Impowered to have Jurisdiction thereof, And to Administer an Oath and give Judgment thereupon by Distress and Sale of the Offenders Goods And for want of such Distress the said Chief Officed is Impowered to Commit such Offender to Goal there to Remain untill PAYMENT be made of the same, And the Master of any Vessell having Guns which shall Offend in this behalf shall be understood to be the Offender in this Respect; And in case the Chief Officer or Captain shall not Perform his Duty therein he shall Forfeit Ten Pounds to be Levied by Warrant from the Captain Generall or Commander in Chief for the time being, PROVIDED always that this Clause shall no ways Concern or Extend to any Captain or other Officer of his Majesties Ships of Warr for their firing at Setting of their Watch.

AND BE IT FURTHER ENACTED by the Authority aforesaid That all Trumpeters and Drummers lately in Service or that shall by the Several Captains be Put into that Service during the Captains Pleasure shall Serve upon the Salary of Forty Shillings P Annum for a Trumpeter and Twenty Shillings P Annum for a Drummer finding their Trumpet and Drum, And Twenty Shillings for a Trumpeter and Ten Shillings for a Drummer if the Captains do find them upon Penalty of Forty Shillings to be Levied in Manner aforesaid;

AND BE IT FURTHER ENACTED by the Authority aforesaid that all Captains of the Companys in the Several Towns within this Province do take due care to List all Youth as they come to the Age of Sixteen Years, And in case of Doubt it is to be Determined by the Oath of such Youths Parent or other Relation taken before some Justice of the Peace who are hereby Impowered to Admisister the same in the words following Vizt.

I. A: B: do Swear upon the Holy Evangelists of Almighty God  
that C: D: the Son of E: F: Listed in                      Company is  
Years old and no more SO HELP ME GOD.

WHICH Oath being Certifyed by the Justice of the Peace to the Captain where he is Listed and it Appearing thereby that he is not Sixteen Years of Age he shall be Dismissed untill he be Sixteen.

PROVIDED always that all the Members of his Majesties Council Justices of the Peace High Sheriffs Coroners and other Civil Officers of his Majesties Government in this Province, And all Officers of Courts MINISTERS Schoolmasters Physitians and Chirurgeons shall be free from being Listed in any Troop or Company within this Province any thing Contained herein to the Contrary in any ways Notwithstanding.

Provided always that nothing in this Act Contained be expounded Construed or understood to Diminish Alter or Abridge the Power of the Captain General or Commander in Chief for the time being but that in all things and upon all Occasions he may Act as fully and freely as Captains Generall and Commander in Chief to all Intents and Purposes as if this Act had never been made anything in this Act to the Contrary Notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid that all and every Act and Acts heretofore made for Settling of the Militia of this Province or Relating thereunto be and are hereby Repealed, Reversed Vacated and become Null and Void to all Intents Constructions and Purposes.

PROVIDED also that this Act nor any Article therein Contained shall be Construed or taken to Allow of or give Liberty to any Negro or Indian Slave to be Listed or to do any other Duty in this Province belonging to the Militia unless it be to be Trumpeters or Drummers if Capable and to Work as Pioneers and not otherwise.

AND PROVIDED always that no Person or Persons whatsoever shall be Sued Prosecuted or his Goods and Chattles Lyable to any Levy or Seizure by Virtue of any Clause in this Act before Mentioned but within the Space of three Calendar Months after the Committing the Respective Offences or Neglects and not at any time thereafter.

PROVIDED always And be it Enacted by the Authority aforesaid that no Commission Officer of the Militia of this Province Legally Superseded shall thereafter be Obligated to do the Duty of a Private Soldier unless he be Cashiered by order of a Court Marshal for Cowardice or some other Notorious Offence nor shall it be in the Power of any Commission Officer to throw UP or Quitt his Commission in order to be made free from the Duty of a Private Soldier untill he have Served in Commission for fifteen Years at least any

thing in this Act to the Contrary thereof in any ways Notwithstanding. This Act to be in force for the Term of three Years from the Publication hereof and no Longer

### THE SEVENTEENTH ASSEMBLY.

#### *Tenth Scession.*

(Begun May 30, 1722, 8 George I, William Burnet, Esq., Governor.)

#### [CHAPTER 420.]

[Chapter 420, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 211. The act referred to is chapter 396.]

An Act for making more effectual an Act entituled an Act for a Supply to be granted to His Ma'ty for Supporting his Government in the Province of New York, during the time therein mentioned, & for Repealing one Act of General Assembly of this Province, entituled, an Act for a Supply to be granted to His Ma'ty, for supporting his Government in the Province of New York, from the first day of July, which shall be in the Year of our Lord, One Thousand Seven Hundred and Twenty, to the first day of July One Thousand Seven Hundred and Twenty one.

[Passed, June 22, 1722.]

WHEREAS by several former Acts of the General Assembly for Supporting this His Ma'ties Government in the Province of New York, it has been amongst other things Enacted, that the Duty of every Pipe of Wine Imported into this Province, from any other place or parts, than that of its Growth, Production or Manufacture, Should pay Fifteen Ounces of Plate of the Spanish Coins of Sevil Pillar or Mexico, or the value thereof in Lyon Dollars or half Dollars, at Thirteen penny Weight & Eighteen Grains each Dollar, or in Bills of Credit Current in this Colony, and so in proportion for all greater or Smaller Quantities Imported as aforesaid. And whereas formerly the Duty so laid and Imposed as aforesaid, having been Omitted to be laid and Imposed, in and by the present Act now in force, entituled, an Act for a Supply to be granted to His Ma'ty, for Supporting his Government in the Province of New York, during



## [CHAPTER 448.]

[Chapter 448, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 279. See chapter 419. Continued by chapter 511.]

An Act for Settling and Regulateing the Militia in this Province and making the Same usefull for the Security and defence thereof and for Repealing all other Acts Relateing to the Same.

[Passed, July 24, 1724.]

WHEREAS an Orderly and well disciplined Militia is Justly Esteemed to be a great Defence and Security to the welfare of this Province, and very much for the Honour and Service of his Majesty, in order therefore to make the same Effectuall to those good purposes.

BE IT Enacted and it is Enacted by the Authority of his Excellency the Governour Council and Assembly that every person from Sixteen to Sixty Years of age residing within this Province Shall within one Month after he shall arrive at the age of Sixteen and Every Sojourner above the Same age having resided within this Province Above one Month shall Enlist himselfe with the Captain or in his absence with the Next Commanding officer in the Troop of horse in the County where he Dwells or Sojourns or in Such Company of ffoot whose Captain or other next officer Commands in the ward Township Burrough Mannor or precinct where such person shall Reside or Sojourn under the Penalty of Twenty Shillings and Twenty Shillings for every Month that such person Shall remain So unlisted after Notice given and all Captains of Troops of horse and Companys of ffoot in the Severall Citys Burroughs Townships Mannors and precincts of this province are hereby COMMANDED to take due Care to Enlist all Inhabitants and Sojourners from Sixteen to Sixty years of Age, which age is in Case of Doubt to be proved by the Oath of the person whose Age is in Question or the Oath of his Parent or some other Credible Wittness taken by the officer before whom the Dispute shall happen to be who shall Administer the same in the words following I A B: doe Swear upon the holy Evangelists of Almighty God that C D: sumon'd before Captain E F: in order to be Enlisted is Years Old and No more Nor less According to the best of my knowledge So help me God which oath being Duly administered by the Captain or other officer who hath Summoned Such person before him in order to be

Enlisted and it Appearing that he is over Sixty or under Sixteen he shall be for that time Dismissed.

AND be it Enacted that all Captains of Troops of horse and Companys of ffoot Shall within one Month from the publication of this Act provide for their Companys and Troops Drums and Trumpetts Colours and Bannors and Drummers and Trumpetters at the proper Charge of the Respective Captains of Troops and Companys under the Penalty of Tenn pounds and Ten pounds for every Month such Captain Shall remain unprovided thereof And the Collonells OR Commanding Officers of all Regiments Troops or unregimented Companys within this Province Shall Twice every year at the Least Issue out their warrants to their Inferiour officers or to the Marshall (where such officer shall be by this Act appointed) Commanding him or them to make Diligent Search and Enquiry in their Several precincts that all persons be duly Listed Armed and Equipped and to return to them the Names of Such Defaulters as he or they Shall find to the End they may be punished according to this Act And if any Collonel of a Regiment or in his absence the next Commanding officer or any Captain or Commanding officer of a Troop of Horse or unregimented Company shall neglect his Duty herein he Shall forfeit the Sume of Twenty pounds for such his Neglect or omission.

And be it further Enacted that once every Three Months or oftener as occasion Shall require and Command be given by the Captain General or Commander in Chief for the time being the severall Companys in Each Regiment and the Troops of horse and unregimented Companys of the Severall Countys shall meet at the most Convenient places therein to be appointed by their respective officers to be then and there Muster'd and Exercised and that Every Soldier belonging TO the horse shall at time and place Commanded appear and be provided with a Good Servicable horse not Less than ffourteen hands high Covered with a Good Saddle, Hostlers, housing Brestplate and Cropper a Case of good Pistolls a Good Sword or hanger halfe a pound of Powder and Twelve Sizeable Bulletts a Good hatt Laced with Silver Lace a Black bagg or Ribbon for the hair or perruke a Scarlett Coat Trimed with Silver a pair of Large boots with Suitable Spurs and a Carebine well fixed with a Good belt swivel and buckle Provided that so much hereof as relates to the Apparel of Troopers Shall Extend to the City and County of New York onely and for a Constant Supply of Troopers in Each City and County of this Province where Troops of horse have been or are in being whensoever it Shall happen by Death or otherwise that

there are fewer Troopers in Number than fifty in one Troop the Collonel or other Commanding officer of the Regiment of ffoot in the County where the Same shall happen shall present Double the Number of such as are Dead or wanting being persons fitt for the horse Service and of ability to Equip themselves for the horse service According to the Regulations of this Act Except as is herein before Excepted of which fitness and Ability the Captain General to Approve or Direct a Return to be Made a New untill he shall approve of the persons presented and that the Troop be Compleatly filled out of the Regiment of ffoot of such City or COUNTY at the Discretion of the Captain General or Commander in Chief for the time being who from time to time as there is occasion may List and order so many of them so presented to be of the said Respective Troops as may Compleat the Number of fifty besides Commissioned officers or may order the Captain or other officer of any or Either of the said Troops to Doe the Same on his behalfe and in his Stead the residue of the men so Presented to Continue Soldiers on foot and Every Person so presented and ordered by the Captain General or Commander in Chief for the time being or by any person in his Stead to be Enlisted in any Troop of horse is hereby obliged to provide himself with all Necessary Equipage proper arms and Ammunition horse and Clothing as above set forth Except as is hereinbefore Excepted and is hereby Obligated to Serve in Said Troop under the pain and penalty of Ten pounds and in Case any Trooper after being Enlisted shall Neglect or refuse to appear he shall for every Such offence fforfeit the sume of Twenty Shillings for the first Default in not appearing for the second Default Thirty Shillings and for the Third Default forty Shillings and for every Default after the Third forty Shillings untill he Doth appear, ffor want of a Seizeable Horse Tenn Shillings and for want of Each or Either of the Articles of the Troopers FURNITURE the Sum of ffive Shillings provided that all the Penalties on one person for the Defaults of one day doe not Exceed the Sum of ffifty Shillings and Every Trooper or Soldier belonging to the horse shall always have at his habitation or place of abode Two pounds of ffine powder and Six pounds of Seizeable bulletts on penalty of Ten Shillings for every Default.

AND be it Enacted by the Authority aforesaid that every ffoot Soldier in any the Regiments or Companys of ffoot in this province Shall be provided with a Good well fixed Musquet or ffuzee a Good Sword belt and Cartridge box Six Cartridges of powder and Six Seizeable bullets and so provided Shall appear when and where required upon Penalty of Ten Shillings in the Citys and Countys of



New York and Albany and in Every other County upon the pain of forfeiture of five Shillings for each Musquet or ffuzee not well m fixed or ffor want of a Sufficient Sword belt or Cart-ridge box shall forfeit one Shilling and the same for want of each Cartridge or bullet the whole penalty for the Defaults of one Person for one day not to exceed Twenty Shillings and the Sufficiencie of the Musquet or ffuzee Sword belt and Cartridge box to be Judg'd of and determined by the Captain of Each Company and Every foot Soldier Shall at his Habitation or place of abode have one pound of Good powder and three pounds of Seizeable bullets upon Penalty of Tenn Shillings for Each Soldier of foot and if any Soldier of horse or FOOT shall refuse to Shew to his Captain or person Sent by him or other officer for that Purpose by this Act appointed all or any of the Equipage ffurniture or Ammunition here mentioned he shall be deem'd and Esteem'd to be unprovided thereof and Shall be punished Accordingly.

AND it is Enacted by the Authority aforesaid that upon Notice Given of a General Muster or of the review or appearance in the field of any particular Troop or Troops Company or Companys no person whatsoever Listed in horse or ffoot in Manner aforesaid Shall withdraw himself from that Service or goe out of Town without having first Acquainted his Captain or other Superiour Officer therewith and without his Leave and Authority so to doe under the Penalty of Ten Shillings And no Commission Officer shall remove himself out of Town or withdraw from the Service without Leave from his Superiour officer under penalty of Twenty Shillings and no Serjeant Corporall or Drummer whether of horse or ffoot Shall absent themselves in manner aforesaid under penalty of Twelve Shillings. AND WHEREAS upon Certain Emergencys it may be found Necessary to keep Military watch and ward in Some part or parts of this Province be it Enacted that it Shall and may be Lawfull for any person or persons Listed in any REGIMENT or Troop of this province to put a well Armed Man in his or their Room who if approved of by the Captain of the Guard Shall Supply his or their Absence provided always that the Comission officers in their Turns be obliged to Mount the Guard in their proper persons.

AND it is hereby ffurther Enacted that no person or persons thereunto required by their Superiour and proper officer Shall refuse to be Serjeant Corporal or Drummer in any troop or Company under the penalty of fforty Shillings.

AND be it farther Enacted that Such Articles of Warr as the Captain General or Commander in Chief for the time being with a General Council of officers Shall make and Establish Shall by Authority of this Act have full force virtue and Effect for the punishment of all offenders against this Act and said articles or any thing therein Contained and all officers and Soldiers of the Militia horse or ffoot within this province during such time as they or any of them are under Arms in the ffield or upon watch and ward or other Duty they and Every of them shall duly observe and keep all and Every the Articles of warr so as aforesaid Established and Shall pay due obedience to his and their Superiour officer and officers and all his and their Lawfull Commands and all the Collonels of the Severall Regiments Captains of TROOPS of horse and unregimented Companys of foot or other the next officers in their absense are to give out True Copys of said Articles by them attested or by one field officer at the Least unto the Respective Officers under them that the Same may be publickly read four times in Every Year at the head of every Regiment unto the Soldiers while they are in Arms that all persons Enlisted may the better know and observe their Several datys and if it shall happen that any officer or Soldier Shall at any time whatsoever whether under Arms upon Duty or other wise Maliciously abuse affront take revenge of or Endeavor by force to take revenge for any Matter or thing by his or their Superior officer Lawfully done in pursuance of his or their Duty or of any thing Contained in this Act the said officer or Soldier Shall be brought before a Court Martial and Shall be tryed for the same According to the course of the same Court and shall be punished according to the true intent and meaning of the Articles of warr PROVIDED always that such punishment shall not Extend to the Loss of Life or Limb;

AND it is hereby further PROVIDED that untill such time as the aforementioned Laws and Articles of warr are Established by the said General Court Martiall every Soldier under Arms that shall not Give due obedience to his Superior officer shall forfeit the Sum of Ten Shillings for each offence And if any person Enlisted TO Serve Either in horse or foot and appearing under Arms during Such Appearance Shall refuse or Neglect to perform such Military Duty as shall be required from him or shall depart from his Colours or Guard with his Arms without Leave from Such officer he shall forfeit the Sum of Twenty Shillings and shall be Committed by warrant from the Captain or Commanding officer then present of the Company or Troop to which such offender doth belong to the Next

Goal till the Said Twenty Shillings be paid with the Prison Charges and the Serriff of Each City and County is hereby Empowered to take Such offender or offenders into Custody by Virtue of the officers warrant under his hand and Seal and him or them to keep in Safe Custody untill Such fine and ffees be paid PROVIDED always that in Case of a Military Watch or Night Guard where a Captain doth not Command in person the warrant of Distress or warrant of Imprisonment Granted by an Inferior officer who did Command the Guard or watch Shall be of the same Authority against all offenders as if the same Warrant were Issued by the Captain any thing in this Act to the Contrary thereof in any ways Notwithstanding.

AND be it Enacted by the Authority aforesaid that once Every year or oftener if thereunto required each particular Captain Shall give to his Collonel or field officer and the Collonel or field officer and the Captains of unregimented Troops and Companys to the Captain Generall or Commander in Chief for the time being FAIR written Rolls of their Respective Regiments Troops and Companys and if any Collonel or Inferior officer shall refuse or Neglect to Obey the Lawfull Commands of his Superior officer he or they shall be punished by fine Casheering or other punishment According to the Discretion of the Court Martial aforesaid which Court the Captain Generall or Commander in Chief is to Establish and the orders of the said Court are hereby declared to be binding in all Military Acts and if any person be wounded or disabled upon any invasion or in any other Military Service he shall be taken Care of provided for and Maintained out of the Publick Revenue of the Province and if any person Shall be sued Molested or impleaded for any thing Lawfully done and Commanded to be by him done in the Execution and performance of this present Act he shall plead the Generall Issue and Give this present Act in Evidence and shall thereupon if found for him recover treble Costs of Suit.

AND be it Enacted by his Excellency the Governour Council and Assembly and it is Enacted by the Authority of the same that the Severall fines Penaltys and forfeitures in this Act Mentioned shall be Levyed recovered and Disposed off as followeth (That is to Say) that all Such forfeitures as doe relate to any person under the Degree of a Captain shall be adjudged by and be taken to the respective Captains to defray the Charges of their Troops and Companys and to be Levyed before the next Exercising day by distress and Sale of the offenders Goods by the Captains Warrant directed to the SERJEANT or Corporall of the Company wherein said offence was



Committed, Except as is hereafter Excepted But if the offender be a Servant, or under his Parents Care then in Such Case the Masters or parents Goods shall be Lyable to such distress and Sale as afore-said till Satisfaction be made, and if any Serjeant or Corporall shall refuse to Execute such warrant So to him directed Such Serjeant or Corporal Shall for every Such offence forfeit for the uses above mentioned the sume of fforty Shillings to be Levyed in manner before Expressed by such other officer Serjeant or Corporall as such warrant Shall be directed to and for all other Penaltys and forfeitures in this Act mentioned the same Shall be Levyed by Distress and Sale of the offenders Goods by warrant from the Captain Generall or Commander in Chief for the time being or of the Chief field officers where such offenders are one halfe to the Capt'n. Generall one other halfe to the Chief field officer of that Regiment in the City or County where the offence is Committed and if the ffines that Relate to persons under the Degree of a Captain Shall not amount to a Sume Sufficient to Defray the Charges of Captains of Troops and Companys that then what is wanting Shall and may be Levyed upon the Severall Soldiers Equally by warrant of the Collonel or Chief officer of the Regiment Troops or Companys and if no Goods are to be found whereon to DISTRAINE, the person offending is to be Sent to the next Goal there to remain till Satisfaction be given and the Prison ffees Paid And the Serjeant Corporalls or Clerk of the Regiment are to Reserve to themselves or<sup>t</sup> of Each Distress or fforfeiture the sume of Three Shillings for Executing each warrant from their Captain or other Superior officer where such distress is not otherwise by this Act Disposed of.

AND WHEREAS the Collonel and other Chief officers of the Regiment of ffoot and Troop of horse in the City of New York have found by Experience that the Severall Corporalls and Serjeants of said Regiment and Troop, who are often Considerable Tradesmen doe Lose much time and are too Long taken from their Shops or other Necessary care by Levying the ffines and forfeitures by this Act Imposed.

Be it therefore Enacted and it is Enacted by the Authority afore-said that there shall be one Martial in the City and County of New York appointed by warrant from the Commander in Chief or Captain General for the Time being who Shall have full power by Virtue of a Warrant Directed to him as occasion shall require from the Captain Generall Collonel or other officer of said Troop or Regiment to Distrain & Levy any or all the ffines and fforfeitures in this Act mentioned to be Levyed or recovered by distress reserving to himself out

TO A B. Martial of the Militia of the City and County of New York.

And you are to have the same sume before me on  
which will be the                      day of

day of \_\_\_\_\_ in the \_\_\_\_\_ Year of his Majestys  
Reign Anno Domini \_\_\_\_\_

AND be it further Enacted by the Authority aforesaid that no person whatsoever Do presume to fire any small arms after Eight of the Clock at Night unless in Case of Alarm or Insurrection in which Case four Musketts or Small arms distinctly fired or where great Guns are the firing of one Great Gun and Two Musketts or Small Arms Distinctly and beating of a Drum Shall be taken for an Alarm which Shall be Continued along from place to place throughout the Province and Every person that shall Neglect his Duty in taking and forwarding the Alarm by firing and Beating Drum as aforesaid or that Shall fire Arms after Eight a Clock at Night Shall be fined or Punished at the Discretion of a Court Marshall not Extending to Life or Limb, And in Case of an Alarm every Soldier

is Immediately to repair Armed to his Colours or parade on penalty of five pounds which parade Shall be understood to be the habitation of his respective Captain unless it shall be otherwise ordered and appointed and for the better PREVENTION of false Alarms, no Captain Master or Commander of any Ship or vessel riding at Anchor in any of the Rivers harbours or Bays of this Province nor any other person shall fire any Gun or beat any Drum after Eight of the Clock at Night under penalty of ffour pounds for every Gun so fired or Drum beaten to be Levied by warrant as afore directed from the Chief officer of the Regiment next adjoining not Under the Degree of a Captain who is hereby impowered to have Jurisdiction thereof and to administer an oath and give Judgment thereupon and to Direct Distress and Sale of the Offenders Goods and for want of Such Distress the said Chief Officer is Impowered to Committ such offender to Goal there to Remain untill payment be made of the Same and the Captain Commander or Master of any Vessel from whence Such Gun or Guns shall be fired Shall be deemed and understood to be the offender in this Respect and in Case the Chief officer of the Regiment or Captain aforesaid Shall not perform his duty herein he shall forfeit Ten pounds to be Levied by warrant from the Captain Generall or Commander in Chief for the time being.

AND it is further Enacted that all Drummers and Trumpetters Lately in Service or that shall be put in Service by the Severall Captains during pleasure shall Serve upon the salary of fforty Shillings per Annum for a Trumpetter and TWENTY Shillings per Annum for a Drummer finding their Trumpet or Drum And Twenty Shillings for a Trumpetter and Tenn Shillings for a Drummer if the Captain Do provide the Drum or Trumpet and each Drummer or Trumpetter refusing to serve to forfeit forty Shillings to be Levied in manner aforesaid, And it is to be observed that all the Members of his Majestys Council Justices of the Peace High Sherriffs Coroners and other Civil Officers of his Majestys Government in this Province and all Officers of Courts Ministers School masters and all Phisitians and Surgeons shall be free from being Listed in any Troop or Company wherein this Province and Neither this Act nor any thing therein Contained Shall be Construed or taken to allow any Indian or Negro Slave to be Listed or to doe any Duty belonging to the Militia in this Province unless it be to be Drummers Trumpeters or pioneers and to prevent Malicious and vexations Suits and prosecutions upon any Clause in this Act Contained it is hereby directed that no person or Persons whatsoever Shall be Sued or Molested or his Goods or Chattles Lyable to Distress for any offence



against this Act Committed unless prosecution of the same be made within three Months after the offence Committed and not at any time thereafter.

AND it is hereby Enacted that no Commission Officer of the Militia of this province Legally superceeded shall afterwards be obliged to do the Duty of a private Soldier unless he be Casheer'd BY a Court Marshall for Cowardice or Some other Notorious offence whereupon he shall be obliged to doe the Duty of a Pioneer or Drummer nor Shall it be in the power of any Commission officer to throw up or quit his Commission in order to be made free from the duty of a Private Soldier untill he have Served in Commission fifteen Years at the Least any thing in this Act to the Contrary thereof in any ways Notwithstanding.

AND be it Enacted that upon any warrant Directed to the Marshall of the Militia of the City and County of New York from any officer hereby Impowered to Issue the same directing said Marshall to take and Convey any person or persons offending Against this Act to the Common Goal of the said City the keeper of such Goal shall be and is hereby obliged under the penalty of Tenn Pounds to be paid to Such person as Shall Sue or Inform for the same in any Court of Record in this province to Receive Such person or persons so brought to such Goal by said Marshall and him or them to hold & Safely keep untill the officer Issuing such Warrant shall Certify to Said Keeper under his hands and Seal that Such Person or persons has or have made full Satisfaction in the Premises and the high Sherriff of the City and County of New York shall be paid by Every person so Committed or Sent to Goal thesame ffees as he Should have on any Arrest or Imprisonment in ANY other Case whatsoever besides Twelve pence in the pound out of the fforfeiture of Every person so Committed. And be it farther Enacted that Said Marshall before he shall Enter upon the Execution of his office or any part thereof shall give Security to the Captain Generall for the due and faithfull Execution thereof in which any field officer of the Regiment or the Commander or Captain Lieutenant of the Troop may when it Shall to them or either of them seem Necessary Send one or more Men to his Assistance.

AND be it Enacted that Nothing in this Act Contained shall be Intended or Construed to Derogate from or in any ways Lessen or Diminish the Powers or authoritys Lodged and vested in the Captain General or Commander in Chief by his Majestys

Letters Patents Commission or other power whatsoever any thing in this Act Contained to the Contrary thereof in any wise Notwithstanding.

AND be it Enacted by the Authority aforesaid that all other Acts heretofore made Relateing to the Militia of this Province are hereby repealed vacated Annulled and made of No Effect and are become Null and Void to all Intents and purposes whatsoever; AND this Act to be and REMAIN in force for the Term and Space of Three Years from the Publication thereof and to the End of the Next Session of General Assembly ffollowing the same and no Longer.

[CHAPTER 449.]

[Chapter 449, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 293. See chapter 465. Livingston & Smith and Van Schaack state that this act was repealed by the king, December 11, 1729.]

An Act for Continuing the Acts made for  
Prohibiting the Selling of Indian Goods to the  
French with Some alterations

[Passed, July 24, 1724.]

WHEREAS one Act of the Generall Assembly of this Province passed in the Seventh Year of his Ma'tys Reign entituled an Act for the Encouragement of the Indian Trade and rendering it more beneficial to the Inhabitants of this Province and for prohibiting the Selling of Indian Goods to the French, and one other Act passed in the Eighth year of his Majestys Reign entituled an Act for the further and more Effectual prohibiting of the Selling Indian Goods to the French, have been found beneficial to this Province.

BE IT THEREFORE ENACTED by his Excellency the Governor Councill and Generall Assembly of this Province And it is hereby Enacted by the Authority of the Same, that the before mentioned Acts Shall be and Continue in force from the Publication hereof, until the first Day of November, which Shall be in the Year of our Lord one thousand Seven hundred and twenty five.

AND WHEREAS it was Deemed understood and Meant at the time of making the first mentioned Act, that the East and West Line therein Discribed did Include the Village of Schenectada and the path leading to it from Albany but upon a Strickter Examination is found to Exclude the Same by which means many of the INHABITANTS thereof have often been Questioned troubled and Molested in Carrying goods Wares and Merchan-

## [CHAPTER 510.]

[Chapter 510, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 337. See chapter 390. Revived by chapter 638. Repealed by chapter 712 and therein provided for.]

An Act to Revive an Act Entituled an  
Act for mending and keeping in repair the  
Post Road from New York to Kings Bridge.

See also original p. 422.

[Passed, August 31, 1728.]

WHEREAS an Act of the Generall Assembly of this Colony Entituled an Act for mending and keeping in Repair the Post Road from New York to Kings Bridge, passed in the twelfth Year of Queen Anne, being Expired by its own limitation, was by an other Act passed in the seventh Year of the Reign of his late Majesty Revived and to be of force untill the first day of May last past, and the aforesaid Act haveing been found very beneficiall for keeping the above mentioned Road in good repair.

BE it Enacted by his Excellency the Governour the Council and the Generall Assembly and it is hereby Enacted by the Authority of the Same, that the before mentioned Act Entituled an Act for mending and keeping in repair the Post Road from New York to Kings Bridge, passed in the twelfth Year of her said Ma'tys Reign, Shall and hereby is Revived and to be and remain of force from the Publication hereof, untill the first day of November, which will be in the Year of our Lord One thousand Seven hundred and thirty five and no Longer.

## [CHAPTER 511.]

[Chapter 511, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in Bradford, 1732 ed., p. 344. See chapter 448. Revived by chapter 553.]

An Act for Reviving an Act, entituled an  
Act for Setling & Regulating the Militia in  
this Province & making the same Useful for  
the Security and Defence thereof, & for  
Repealing all other Acts relating to the  
same

[Passed, August 31, 1728.]

BE it Enacted by his Excellency the Governour Council & General Assembly, & it is hereby Enacted by the Authority of



the same That one Act of General Assembly, entituled, an Act for Setling & Regulating the Militia in this Province & making the Same Useful for the Security & Defence thereof, & for Repealing all other Acts relating to the same, passed in the Tenth Year of his late Ma'ties Reign & Expired by its own Limitation shalbe and hereby is Revived & every Clause matter & thing therein Contained, to be & Remain in ful force for the term of two Years from after the Publication of this Act.

[CHAPTER 512.]

[Chapter 512, of Livingston & Smith and Van Schaack, where the title only is printed. Title only is printed in 1732 ed., Bradford, p. 344. See chapter 494. Expired November 11, 1730.]

An Act to Continue an Act Entituled An Act for destroying of Wolves in the County of Albany Dutches County and Orange County and for giving a further reward for killing of Wolves in the said Countys.

[Passed, August 31, 1728.]

BE it Eñacted by the Governour Councill and Generall Assembly and it is hereby Enacted by the Authority of the Same that one Act Entituled an Act for destroying of Wolves in the County of Albany Dutches County and Orange County made in the thirteenth Year of our late Sovereign King George of Glorious memory which will expire by its own limitation on the Eleventh of November in this present Year one thousand Seven hundred and twenty eight shall be continued and every Article Clause and thing therein contained remain of full force untill the Eleventh day of November which will be in the Year of our Lord one thousand Seven hundred and thirty and no longer.

AND be it further Enacted by the Authority aforesaid that over and above the reward allowed by the aforesaid Act for killing of Wolves within the Countys above mentioned there shall be allowed and paid to every Person or Persons killing any Wolfe During the Continuance hereof the Sum of four shillings in the Same manner and under the same regulations AND provisoes as are mentioned & directed in the aforesaid Act.

See also original p. 658.

[CHAPTER 553.]

[Chapter 553, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 348. See chapter 511. Continued by chapter 563.]

An Act to Revive and Enforce an Act, Entituled an Act for Settling and Regulating the Militia in this Province and making The same Usefull for the Security and Defence thereof and for Repealing all other Acts relating to the same, During the time therein Mentioned

[Passed, October 17, 1730.]

WHEREAS an Act Entituled an Act for settling and Regulating the Militia in this Province and making the same usefull for the Security and defence thereof & for Repealing all other Acts relating to the same, passed in the Tenth year of his Late Majesties Reign being Expired by its owne Limitation, was by an other Act, Passed in the second year of his present Majesties Reign, revived and Continued to be of force for the Term of two years, and for as much as the same is Likewise expired and that it is of absolute necessity to have the Militia of this Colony under proper Regulations.

Be it Enacted by his Excellency the Governour, the Council and the General Assembly and it is hereby Enacted by the Authority of the same, That the above mentioned Act Entituled an Act for Settling and Regulating the Militia in this Province and making the same usefull for the Security and defence thereof and for repealing all other Acts relating to the same, shall be and hereby is further revived and Continued and every Clause article and thing therein Contained To be and Remaine of full force and Virtue to all Intents Constructions and purposes, whatsoever During the time herein aftermentioned

AND be it Enacted by the Authority aforesaid that the two Companys of Cadets and the Company of Blew Artillery in the City of New York shall be under the Same Regulation so far only as relates to fines and forfeitures and the recovery thereof as in the said Act is provided and directed, for the Regimental Companys in the said City and that the said Companys of Cadets and Blew Artillery shall not Exceed the Number of one hundred men in each of the said Companys, and, that no Persons shall be obliged to Enter or Enlist themselves in either of them, but that

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they and each of them Consist of Volunteers only and at no time Exceed the Number above mentioned.

Be it further Enacted by the Authority aforesaid, that in the Absence of the Captains of any Company when the same shall appear under arms, it shall and may be Lawfull for the next Commanding Officer which shall then appear, to Issue warrants for Levying the fines of any Defaulters in the said City for not appearing, and that all warrants Issuing within the same for Levying Such fines during this Act, shall be Directed to the adjutant of the said City Regiment, for the time being, or in his absence to any of the sergeants belonging to the Company wherein Such Defaults shall happen who respectively Shall have full power to Execute the same, and if Executed by such adjutant he shall be Entitled to four Shillings out of every Ten shillings fine, and if by a Sergeant to three Shillings out of every Such fine any thing in the aforesaid Act to the Contrary hereof, in any wise notwithstanding

Be it Likewise Enacted by the Same Authority that NO Commission Officer in the Militia shall be Chosen a Constable or be obliged To Serve as Such whilst he is in Commission unless he is willing to do the same. But Declining it a new Choice of a Constable is to be made, and the Officer so Declining Shall not be Liable to any fine for refusing to serve, any Law or Custome to the Contrary Notwithstanding.

AND be it Enacted by the Same Authority That This Act and every Article and Clause therein Contain'd shall Remaine of full force from the Publication thereof untill the first Day of October in the year of our Lord one thousand seven hundred and thirty one and from thence to the end of the then next Session of General Assembly

[CHAPTER 554.]

[Chapter 554, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 260. See chapter 532. Expired September 1, 1733.]

An Act for the further Continuing the Currency of Bills of Credit, Struck and Issued in the year one thousand Seven hundred and, twenty, to the Value of five thousand ounces of plate, during the time therein mentioned.

[Passed, October 17, 1730.]

BE it Enacted by his Excellency the Governour the Council and the Generall Assembly of this Colony, And it is hereby



## THE TWENTIETH ASSEMBLY

*Fourth Session*

(Begun August 25, 1731, 5 George II, Rip Van Dam, President.)

See also original p. 699.

## [CHAPTER 563.]

[Chapter 563, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., p. 389. See chapter 553. Continued by chapter 573.]

An Act for the further Continuance of an Act Entituled an Act for Settling and regulating the Militia in this Province and making the Same Usefull for the Security and defence thereof and for Repealing all other Acts relating to the same During the time therein mentioned

[Passed, September 30, 1731.]

WHEREAS an Act Entituled an Act for Settling & regulating the Militia in this Province, and making the same usseful for the Security and Defence thereof and for repealing all other Acts relating to the same during the time therein mentioned passed in the tenth year of his Late Majesty reign, being Expired by its own Limitation was by another Passed in the second year of his present Majestys Reign revived and Continued to be of force for the term of two years, and by one other Act Passed in the fourth year of his Said Majestys Reign further revived & Continued to the first day of October next Ensuing as by the said several Acts Relation being thereunto had may more at Large appear and for as much as it is highly Necessary to have the Militia of this Colony under proper regulations

BE it Enacted by his Honour the President the Council and the General Assembly and it is hereby Enacted by the Authority of the same that the above mentioned Act Entituled an Act for Settling and regulating the Militia in this Province and making the same useful for the security and Defence Thereof and for repealing all other Acts relating to the same During the time therein mentioned, as Likewise the aforesaid Act passed in the fourth year of his said Majestys Reign Entituled an Act to revive and Enforce an Act Entituled an Act for settling & Regulating the Milita in this Province & Making the same usefull for the Security and Defence thereof and for repealing all other Acts

relating to the Same during the time therein mentioned, shall be and hereby are Enacted to be further Continued and every Clause article and thing therein Contained (Excepting onely such part as shall hereinafter be otherwise provided for and remaine in full force and Virtue to all Intents Constructions and purposes whatsoever from the Publication thereof untill the first day of November which will be in the Year of our Lord one thousand seven hundred and thirty two and no Longer Provided that no Commission officers Belonging to the two Companys of Cadetts or to the Company of Blue Artillery or to the Troop of horse or the Troopers belonging to it in the City of New York shall be subject to serve as Constables in the said City (tho' Chosen) and in that case be Entitled to the same benefett as by the said Last mentioned Act is granted to the Commission officers of the Militia any thing in Either of the said Acts to the Contrary notwithstanding.

[CHAPTER 564.]

[Chapter 564, of Livingston & Smith and Van Schaack, where the title only is printed. Portion of the act is printed in Bradford, 1732 ed., p. 398. See chapter 548. Continued by chapter 572.]

An Act for the Further Continuing an Act Entitled an Act to Let to farm the Excise of strong Liquors Retailed in this Colony for the time therein mentioned, and for Declaring shrub liable to the same Duties as Distilled Liquors

[Passed, September 30, 1731.]

WHEREAS an Act of General Assembly of this Colony Passed in the Second year of his Majestes Reign Entitled an Act, to Let to farm the Excise of strong Liquors retailed in this Colony for the time therein mentioned and for Declaring shrub Liable to the same duties as distilled liquors, being of Force no Longer then untill the first day of November in the Year 1729, was by another Act passed in the third year of his said Majesties Reign Continued to the first Day of November, in the year of our Lord one thousand seven hundred and thirty, and by an other passed in the fourth Year of his Present Majesties Reign continued to the first Day of November next Ensuing & it being Necessary to Continue the same to a further time in order to Let the said Excise to the best advantage

Suffolk, in the room and stead of Selah Strong Esq'r Deced, and that they and the other Commissioners mentioned in the above said Act shall & hereby are respectively Impowered and required to Let to Farm the said Excise, in the several Places for which they are appointed, on any Day in the Month of October Next Ensuing, not Exceeding the Twenty Ninth Day thereof

See also original p. 735.

[CHAPTER 573.]

[Chapter 573, of Livingston & Smith and Van Schaack, where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 344. See chapter 563. Continued by chapter 598.]

An Act for the further Continuance of an Act Entituled an Act for Settling & regulating the Militia in this Province and making the same Usefull for the security and Defence thereof, and for repealing all other Acts relating to the Same, During the time therein mentioned

[Passed, October 14, 1732.]

WHEREAS, an Act Entituled an Act for settling and regulating the Militia of this Province and making the same usefull for the security, and Defence thereof, and for repealing all other Acts relating to the same During the time therein mentioned passed in the Tenth Year of his Late Majestys Reign, being Expired by its own Limitation was by an other Act passed in the second Year of his present Majestys Reign revived and Continued to be of force for the terme of two Years and by an other Act passed in the fourth year of his said Majestys Reign further revived and Continued to the first Day of October then next Ensuing, and by one other Act passed in the fifth year of his Said Majestys Reign, was further revived and Continued to be of force untill the first day of November in this Present Year and for as much as it is highly Necessary to have the Militia of this Colony under Proper regulations BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the same that the above mentioned Act Entituled an Act for Settling and regulating the Militia, of this Province and making, the Same usefull for the Security and Defence thereof, and for repealing all other Acts relating to the same During the time therein mentioned, as likewise the aforesaid Act passed in the fourth



year of his said Majestys reign Entituled, an Act to Revive and Enforce, an Act Entituled an Act for settling and regulating the Militia in this Province, and making the same usefull for the Security and Defence, thereof and for repealing all other Acts relating to the Same, During the time therein Mentioned, and also the aforesaid Act passed in the fifth year of his said Majestys Reign Entituled an Act for the further Continuance of an Act Entituled an Act for Settling and regulating the Militia in this Province, and making the same usefull for the Security and Defence thereof and for repealing all other Acts relating to the Same During the time therein Mentioned, shall be and hereby are Enacted to be further Continued and every Clause article and thing therein Contained to Remain of full Force and Virtue, to all intents Constructions and Purposes whatsoever from the said first Day of November next Ensuing untill the first Day of December, which will be in the year of our Lord one thousand Seven hundred and thirty three and no Longer

## [CHAPTER 574.]

[Chapter 574. of Livingston & Smith and Van Schaack where the title only is printed. Printed in full in Bradford, 1732 ed., second p. 345. Continued by chapter 682.]

An Act to prevent the Destruction of  
Sheep by Dogs

[Passed, October 14, 1732.]

BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the same, that if any Dogg or Doggs shall after the Publication of this Act and during its Continuance, Kill or Destroy, any sheep or Lamb within this Colony, the owner or owners of Such Dog or dogs, which shall Kill or destroy any sheep or Lambs, within the same shall be liable to pay to the owner or owners of such sheep or Lamb so destroyed, the full Value thereof, to be recovered before any one of his Majesties Justice of the Peace where such offence shall be Committed, upon the oath or affirmation of one Credible witness, at the discretion of the Justice before whom the Cause shall be tryed (who is hereby fully impowered Authorized and required to hear and finally to Determine the same) & upon non payment thereof within three days after Judgment, shall be given to Issue his warrant to the next Constable to distrain on the offenders goods and Chattles, so much as may be Sufficient to discharge the said Judgment with The Charges arrising thereby, and the same to

## [CHAPTER 598.]

[Chapter 598, of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 573. Continued by chapter 617.]

An Act for the further Continuance of an Act Entituled An act for settling and regulating the Militia in this Province and making the same usefull for the Security and defence thereof and for Repealing all other Acts relating to the same; as likewise the Severall Acts whereby the Same has been revived and Continued.

[Passed, November 1, 1733.]

WHEREAS An Act Entituled an Act for Settling & Regulating the Militia in this Province and making the Same usefull for the Security and defence thereof and for Repealing all other Acts relating to the Same Passed in the tenth Year of his late Majestys Reign being Expired by its own limitation has by Severall Subsequent Acts of the Generall Assembly not only been revived and from time to time Continued but Severall other Clauses and Alterations been added thereto and thereby Enacted to be of Force untill the first day of December next ensuing And for as much as it is highly necessary to have the Militia of this Colony under proper Regulations, Be it Enacted by his Excellency the Governour THE Council and the Generall Assembly and it is hereby Enacted by the Authority of the same that not only the above mentioned Act but likewise all the Severall Acts for Reviving and Continuing the Same and every Clause article matter and thing Contained therein and in every one of them Shall be and remain of full force and Virtue from and after the said first day of December untill the first day of December which will be in the Year of our Lord one thousand Seven hundred & thirty four

## [CHAPTER 599.]

[Chapter 599, of Livingston & Smith and Van Schaack, where the act is printed in full. Revived by chapter 692.]

An Act to Prevent the Penning or folding of Sheep and Neat Cattle feeding on Hempstead Plains.

[Passed, November 1, 1733.]

WHEREAS That Large tract of Land or Common lyeing and being in Queens County upon Nassau Island, Belonging

## [CHAPTER 617.]

[Chapter 617 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 598. Continued by chapter 628.]

An Act for the futher Continuance of an Act Entituled an Act for Settling & Regulating the Militia in this Province & Making the Same Usefull for the Security and Defence thereof & for Repealing all other Acts Relating to the Same, as Like wise the Several Acts whereby the Same has been Revived & Continued

[Passed, November 13, 1734.]

WHEREAS an Act Entituled an Act for Settling & Regulating the Militia in this Province & making the Same Usefull for the Security & Defence thereof, & for Repealing all other Acts Relating to the Same. Passed in the Tenth Year of his Late Majesties Reign, being Expired by its own Limitation, has by Several Subsequent acts of the General Assembly not only been Revived, & from time to time Continued, But Several other Clauses & Alterations been added thereto & thereby Enacted to be of Force untill the first day of December next Ensuing, & for as much as it is highly Necessary to have the Militia of this Colony under Proper Regulations, BE it Enacted by his Excellency the Governour the Council & the General Assembly, & it is hereby Enacted by the Authority of the Same, that not only the Above Mentioned Act, but Likewise all the Several Acts for Reviving and Continuing the Same, and every Clause Article Matter & thing Contained therein, and in Every one of them, Shall be and Remain in full Force and Virtue, from and after the Said first day of December until the first Day of December which will be in the Year of Our Lord one thousand Seaven Hundred and Thirty five

## [CHAPTER 618.]

[Chapter 618 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1737. Provided for by chapter 818.]

An Act to prevent Desertion from his Majesty's Forces in the Colony of New York.

[Passed, November 13, 1734.]

WHEREAS Many Grievous Complaints are Daily laid before his Excellency the Captain General & Commander in Chief of



Colony. And the above Naimed Persons Shall be and hereby are Required & Obliged Imediately after the Publication of this Act, Severally to Enter into the following Recognizances to his Majesty with Sufficient Surety That is to Say. Thomas Lynch in the Penal Sum of one Thousand pounds Currant Money of this Colony, John De Peyster & John Waters in the Penal Sum of Two hundred & Eighty Pounds of like Money, and Jurian Tapper in the Sum of Sixty pounds Like Money, Conditioned that Each of the Said Farmers Shall well & Truely Pay to the Treasurer of this Colony, the Sums They have Severally Farmed the Said Excise at the Dayes & Times following That is to Say, Thomas Lynch on the first Day of May next Ensueing the Sum of Two hundred & fifty Pounds and on the first Day of November following the Like Sum of Two hundred & fifty Pounds The Said John De Peyster & John Waters on the first Day of May Next Ensueing the Sum of Seventy Pounds and on the first Day of November following the Like Sum of Seventy Pounds and the Said Jurian Tapper on the first Day of May Next Ensueing the Sum of fifteen Pounds and on the first Day of November following the Like Sum of Fifteen Pounds all which Several Recognizances Shall be Delivered to & Lodged with the Treasurer of this Colony.

See also original p. 906.

[CHAPTER 628.]

[Chapter 628 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 617. Continued by chapter 637.]

An Act for the further Continuance of an Act Entituled an Act for Setling and Regulating the Militia in this Province, and making the Same usefull for the Security and Defence thereof, and for Repealing all other Acts Relating to the Same as Likewise the Several Acts whereby the Same has been Revived and Continued.

[Passed, November 8, 1735.]

WHEREAS an Act Entituled an Act for Setling and Regulating the Militia in this Province and making the Same Usefull for the Security and Defence thereof, and for Repealing all other Acts Relating to the Same, Passed in the Tenth Year of his late Majesties Reign, being Expired by its own Limitation has by Several Subsequent Acts of the General Assembly, not only been

Revived and from time to time Continued, But Several other Clauses and Alterations been Added thereto and thereby Enacted to be of Force until the first Day of December next Ensuing, and for as much as it is highly Necessary to have the Militia of this Colony Under proper Regulations.

BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That not only the above Mentioned Act But likewise all the Several Acts for Reviving and Continuing the Same and every Clause Article Matter and thing Contained therein and in Every one of them Shall be and Remain in full Force and Virtue, from & after the Said first Day of December until the first Day of December which will be in the Year of our Lord one Thousand Seven hundred & Thirty Six

#### [CHAPTER 629.]

[Chapter 629 of Livingston & Smith and Van Schaack, where the title only is printed. See chapters 539 and 616. Expired December 1, 1742. Repealed and provided for by chapter 885.]

An Act to Continue the two Several Acts therein Mentioned Relating to the Publick High Roads in the Citty and County of Albany.

[Passed, November 8, 1735.]

WHEREAS an Act of the General Assembly of this Colony Entituled an Act for the better Clearing Regulating and further Laying out Publick High Roads in the Citty and County of Albany Passed in the third year of his Majesties Reign will Expire by its own Limitation the Last Day of December in this Present year one Thousand Seven hundred and Thirty five, And it being Necessary to Continue the Same for a Longer time.

BE it Enacted by his Excellency the Governour Council & the General Assembly and it is hereby Enacted by the Authority of the Same that the above Mentioned Act Entituled an Act for the better Clearing Regulating & further Laying out Publick High Roads in the Citty & County of Albany, as Likewise an other Act of the General Assembly Entituled an Act for the more Equal repairing of the Road from Towerjoene to Kagne-wage Creek in the County of Albany Passed in the Eighth year of his Majesties Reign Shall be and hereby are Enacted to Continue and Remain of Force and every Clause Article & thing contained in them or Either of them Until the time herein after

Henry Barclay or his Assigns in full Discharge of the allowance before Mentioned the Sum of Sixty pounds, Out of the Unishued Bills of Credit Remaining in his hands by Virtue of an Act Entituled an Act to Strike and make Currant Bills of Credit to the Value of Twelve thousand Pounds on the Fonds and for the Uses therein Mentioned passed in the Eighth year of his Majesties Reign, any thing in the Said Act to the Contrary hereof notwithstanding, and a Receipt of the Said Mr. Barclay for the above Mentioned Sum, Shall be a Sufficient Voucher and Discharge to the Said Treasurer for So much out of the Bills of Credit So Remaining in his hands by Virtue of the Act aforesaid.

See also original p. 923.

[CHAPTER 637.]

[Chapter 637 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 623. Continued by chapter 647.]

An Act for the further Continuance of an Act Entituled an Act, for Settling and Regulating the Militia in this Province and making the Same Usefull for the Security and Defence thereof, and for Repealing all other Acts Relating to the Same, as Likewise the Several Acts whereby the Same has been Revived and Continued

[Passed, November 10, 1736.]

WHEREAS an Act Entituled an Act for Settling and Regulating the Militia in this Province and Makeing the Same Usefull for the Security and Defence thereof, and for Repealing all other Acts Relateing to the Same Passed in the Tenth year of His Late Majestys Reign being Expired by its own Limitation, has by Several Subsequent Acts of the General Assembly not only been Revived and from time to time Continued, But Several Other Clauses and Alterations been added thereto, and thereby Enacted to be of Force Until the first day of December next Ensueing, and for as much as it is highly Necessary to have the Militia of this Colony under proper Regulations.

BE it Enacted by his Honour the Lieu't Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That not only the above Mentioned Act but Likewise all the Several Acts for Reviving and Continuing the Same, and every Clause, Article Matter and thing Contained



therein, and in Every one of them Shall be and Remain in full Force and Virtue from and after the Said first day of December until the first day of December which will be in the Year of Our Lord Christ one thousand Seaven Hundred and Thirty Seaven.

## [CHAPTER 638.]

[Chapter 638 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 510. Repealed by chapter 712, and provided for therein.]

An Act to Revive An Act Entituled An Act for mending and Keeping in Repair the Post Road from New York to King's Bridge.

[Passed, November 10, 1736.]

WHEREAS An Act of General Assembly of this Colony, Entituled AN ACT for mending and Keeping in Repair the Post Road from New York to King's Bridge passed in the Twelfth year of Queen Anne, being Expired by it's own Limitation was by another Act passed in the Second Year of the Reign of his present Majesty, revived, and to be of Force until the first day of November, which was in the Year of our Lord One thousand Seven hundred and thirty Five, and no longer: AND the aforesaid Act having been found very Usefull and Beneficial for keeping the above mentioned Road in good Repair for the Publick Use and Conveniency of all his Majesty's Subjects and Travellers passing through the Same, BE IT ENACTED by his Honour the Lieutenant Governour; the Council and the General Assembly of this Colony; and it is hereby Enacted by the Authority of the Same, That the aforementioned Act, passed in the twelfth Year of the Reign of Queen Anne, Entituled AN ACT for mending and keeping in Repair the Post Road from New York to King's Bridge, shall and is hereby Revived, and Every Article, Clause and thing therein contained is and shall be and Remain in full Force, from the Publication hereof untill the first Day of December, which will be in Year of our Lord One thousand Seven hundred and Fourty foure.

## [CHAPTER 647.]

[Chapter 647 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 637. Expired December 1, 1738. Provided for by chapter 674.]

An Act for the further Continuing of an Act Entituled an Act, for Settling and Regulating the Militia in this Province and making the Same Usefull for the Security and Defence thereof, & for Repealing all other Acts relating to the Same, as likewise the Several Acts whereby the Same has been Revived and Continued.

[Passed, December 16, 1737.]

WHEREAS an Act Entituled an Act for Settling & Regulating the Militia in this Province and making the Same Usefull for the Security and defence thereof, and for Repealing all other Acts Relating to the Same Passed in the Tenth year of his Late Majesties Reign, being Expired by its own Limitation, has by Several Subsequent Acts of the General Assembly, not only been Revived and from time to time Continued but Several Other Clauses and Alterations been Added thereto, and thereby Enacted to be of Force until the first Day of December next Ensuing, and for as much as it is highly necessary to have the Militia of this Province under Proper Regulations.

BE it Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That not only the above Mentioned Act, but likewise all the Several Acts for Reviving & continuing the Same, and every Clause Article Matter and thing contained therein and in Every one of them, Shall be and Remain in full Force and Virtue, from and after the Said first day of December until the first day of December, Which will be in the Year of our Lord Christ One Thousand Seven Hundred and Thirty Eight.

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tenant Governour or Commander in chief for the Time being, and that the Duty on the Several Liquors aforesaid, Imported into the City of New York during the Continuance of this Act, shall be Calculated from the accounts which the said Sworn Gauger shall Render of the Net Contents thereof to the Treasurer and the said Gauger is hereby obliged & required from time to time to Deliver such accounts Together with the names of the Vessels, Masters, & Importers of Such Liquors to the said Treasurer within fourteen Days after He shall have Guag'd the Respective Parcells thereof, And in such Guaging he is to do Justice between the King and the Importer according to the best of his Skill & understanding And for the Several Services to be performed by him in that office During the Continuance of this Act, he shall be allowed out of the Moneys to arise thereby after the Rate of Thirty pounds per Annum,

## THE TWENTY-SECOND ASSEMBLY.

### *Second Session.*

(Begun Aug. 28, 1739, 13 George II, George Clarke, Lieut. Governor.)

See also original p. 4.

### [CHAPTER 674.]

[Chapter 674 of Livingston & Smith and Van Schaack, where the title only is printed. Continued by chapter 694.]

### An Act to Regulate the Militia of this Colony.

[Passed, October 3, 1739.]

WHEREAS A Due and proper Regulation of the Militia of this Colony tends not only to the Security & Defense thereof, But likewise to the Honour and Service of his Majesty

BE it therefore Enacted by the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the same, That every Person from Sixteen to Sixty years of age residing within this Colony, Shall within one month after He arrive at the age of Sixteen, and every Sojourner above the Same age having resided within this Colny above three months, Shall Inlist himself with the Captain or in his absence with the next commanding officer either of the Troop of Horse in the City or County where He dwells or Resides, or in such company of Foot, whose Captain or next



commanding officer has the command thereof, in the City Town Burrough Mannor or Precinct where such Person Shall Reside or Sojourn, under the Penalty of ten Shillings, and Six Shillings for every month that Such person shall remain so unlisted after notice given, and all Captains of Troops of Horse & companies of Foot in the Several Cities Burroughs Township's Mannors & Precincts of this Colony, are hereby commanded, to take due care to Inlist all Inhabitants & Sojourners from Sixteen to Sixty years of age which age in case of doubt is to be proved by the oath of the Person whose age is in question, or the oath of his Parent or Some other Credible witness, to be taken by the officer before whom the Dispute shall happen to be, who Shall administer the same in the words following

I A B do Swear upon the Holy Evangelist of Almighty God that C D Summoned before Captain E F in order to be Inlisted is.....years old & no more according to the best of my knowledge so help me God.

WHICH oath being duely administered by the Captain or other officer who hath Summoned Such Person before him, in Order to be Inlisted, and it appearing that He is under sixteen, he shall be for that time dismissed, and if any dispute should arise about Elder persons & it appearing that he or They are above the age of Sixty SUCH person or persons Shall be Exempted at all times thereafter.

AND be it Enacted by the authority aforesaid, that all Captains of Troops of Horse & Companies of Foot Shall within three months from the commencement of this Act, Provide for their Companies and Troops Drums and Trumpets Collours & Banners and Drummers and Trumpters at the proper charge of their respective Captains of Troops & Companies, under the Penalty of Six pounds for every Month Such Captain Shall remain unprovided thereof, the Sum of Three pounds

BE it further Enacted by the Same Authority that the Colonels or commanding officers of all Regiments Troops or unregimented companies within this Colony, Shall at least once in every year Issue out their Warrants to their Inferior officers commanding him or them to make diligent Search & enquiry in their Several Precincts, that all persons be duely Listed armed & Equiped, and to return to them the names of Such Defaulters, as he or they Shall find, to the end they may be punished according to this Act, and if any Colonel of a Regiment, or in his absence the next commanding officer, or any Captain or Com-

manding Officer of a Troop of Horse or unregimented Company, shall neglect his Duty herein He or They so neglecting Shall forfeit the Sum of Five pounds for Such neglect or Omission.

AND be it further Enacted by the Authority aforesaid that at least once in every Year, or Oftener if occasion Shall require and command be given by the Colonel & in his absence by the next commanding officer of the Respective Regiments, the Several Companies in each Regiment & the Troops of Horse & unregimented Companies of the Several Counties, Shall meet at the most convenient places therein to be appointed by the Respective officers, to be then and there Mustered and exercised, and that every Soldier belonging to the Horse shall at the time & place commanded appear and be provided with a good Serviceable Horse not less than fourteen hands high covered with a good Saddle hoalsters housing Brest plate and Crupper, a case of good pistolls, a good Sword or hanger, half a pound of Powder & twelve sizable bullets, a good hatt laced with Silver Lace, a black bag or Ribbond for the hair or Peruke a Scarlet COAT Trimed with Silver, a pair of Large boots with Suitable Spurs and a Carbine well fixed with a good belt Swivel & Buckels, Provided that so much hereof as relates to the apparel of Troopers shall extend to the City & County of New York only, AND whereas in the middle of the County of Orange there are Such and so many Mountains as are Extream difficult to pass and repass.

BE it therefore Enacted by the Same Authority that when the Regiment of that County is to appear in a General Muster for Exercise, the men living to the Southward of the Said Mountains Shall meet and be mustered in Orange Town, and those Living to the nothward of the Said Mountains in the Town of Goshen, and that there be at Least one week between Such Musterings, anything herein to the Contrary thereof notwithstanding

AND be it Provided & Enacted by the Authority aforesaid, That in case of a General allarm or an Invasion, all unregimented or Independent Companies & Troops, Shall in the absence of the Captain General or commander in chief, be under the Imediate command and Direction of the Colonel, and in his absence the next commanding officer of the Regiment of the City or County where Such unregimented or Independent Companies or Troops are or may be, anything herein to the contrary hereof notwithstanding

BE it further Enacted by the Authority aforesaid, that the Troopers for the City and County of Albany, shall be clad in blew coats, and their hatts Shall be laced with Silver, and the number of the Troop in the said City and County Shall be Sixty, besides Officers, and the number of all Other Troops in this Colony, Shall be Fifty Troopers besides officers, and for a constant Supply of Troopers, in each City and County within this Colony, where Troops of Horse have been, or are in being whenever it Shall happen by death or otherwise, that there be fewer Troopers in number than are Limited by this Act, and the Same cannot be Supplied by Volunteers, that then the Captain of Such Troop, shall under his hand certify unto the Colonel of the Regiment of Foot, or in his absence to the next commanding officer in the City or County where Such want Shall happen, how many Troopers are wanting in his List, of the Troop under his command, and thereupon the Said Colonel or next Commanding OFFICER of Such regiment Shall nominate out of the Same, the number that Shall be so wanting as aforesaid, Provided that Such person or persons So nominated by the Said Colonel or next commanding Officer, be not under the Age of Twenty one years, upon which nomination the Person or Persons So nominated, Shall within the space of three months equip themselves as is hereby Directed, and every Trooper that Shall be so nominated to Serve in any of the Troops & refusing to equip himself and Serve, He shall for such offence forfeit the Sum of Ten pounds, and upon Payment thereof, Shall not be liable to any other or further Forfeiture for any offence respecting the Troop but Shall nevertheless be Subject to Serve in the foot Service, as if no Such nomination had ever been made, and all Troopers already Inlisted or who Shall consent to be Inlisted in manner as aforesaid refusing or Neglecting to appear, Shall for every Such offence forfeit the Sum of Ten Shillings for the first default, in not appearing for the Second default the sum of Fifteen Shillings, and for the third Default Twenty Shillings, and for every default after the third Twenty Shillings until he doth appear. For want of a Sizable Horse Ten Shillings, and for want of each or Either of the Articles of the Troopers furniture the Sum of Five Shillings, Provided that all the penalties on one Person for the default of one Day, do not exceed the Sum of Twenty Shillings, and every Trooper or Soldier belonging to the Horse Shall allways have at his Habitation or Place of abode, one pound of



Fine powder & three pound of Sizable Bullets on penalty of Ten Shillings for every default.

AND be it Enacted by the Authority aforesaid that the companies of Cadees & blew artillery in the City of New York are to consist each of one hundred Men besides Officers, and if the Colonel of the Regiment of the Said City or in his absence the next Field officer thereof, doth Suspect that the Captain or Captains of the Said Companies have Inlisted a greater number than is Limited above the Captain of the Company so Suspected, Shall be obliged within fourteen Days after notice, To deliver to the Captain General or commander in chief a true and compleat Roll of the name & names of all the persons, He or they have on his or their List, and if it thereby appears that more are Inlisted, than the number above mentioned, all Such Supernumary men are Immediately to be discharged out of Such List, and the Captain is to give a List of their names to the Colonel or next field officer aforesaid, and the person & persons so discharged, Shall within fourteen Days thereafter Inlist him or themselves in one of the Foot companies of the Said Regiment and Such of the Persons so discharged as Shall omit to Inlist himself Accordingly, Shall be Subject to the fines Inflicted in this Act on Persons omitting or neglecting to Inlist in the militia.

AND be it Enacted by the Authority aforesaid, That every foot Soldier in any the Regiments or Independent Companies of Foot in this Colony, Shall be provided with a good well fixed Musquet or Fuzee a good Sword Belt and Cartridge box, Six cartridges of Powder and Six Sizable bullets and so provided, Shall appear when and where required upon Penalty of Five Shillings for each Musquet or Fuzee not well fixed and for want of a Sufficint Sword belt or Cartridge Box, shall forfeit one Shilling, and the Same for want of each cartridge or Bullet, the whole penalty for the Default of one person for one day not to exceed Ten Shillings, and the Sufficiency of the Musquet or Fuzee Sword belt and cartridge Box to be Judged of and Determined by the Captain, or in his absence the next commanding officer of such company, and Every foot Soldier Shall at his habitation or place of abode, have one pound of good powder and three pounds of Sizable bullets upon penalty of Ten Shillings for each Soldier of Foot, and if any Soldier of Foot or Horse Shall refuse to Shew to his Captain or person sent by him or other officer for that purpose by this Act appointed, all or any of the equipage Furniture or amu-

dition here mentioned, He shall be deemed and esteemed to be unprovided thereof and Shall be fined accordingly.

AND be it Enacted by the Authority aforesaid, that upon notice given of a General muster or of the Review or appearance in the field of any Particular Troop or Troops Company or Companies, no Person whatsoever Listed in Horse or foot in manner aforesaid, shall withdraw himself from that Service or go out of Town without having first acquainted his captain & in his absence the next commanding officer therewith, and without his Leave or authority so to do, under the Penalty of Ten Shillings, and no Commission officer Shall remove himself out of Town or withdraw from the Service, without Leave from his Superior Officer, under the penalty of Twenty Shillings and no Serjeant Corporal or Drummer whether of Horse or foot shall absent themselves in manner aforesaid, under the penalty of Twenty Shillings.

AND be it further Enacted by the Same Authority that no person or Persons being thereunto required by their Superior and Proper Officer, Shall refuse to be Serjeant Corporal or Drummer, in any Troop or Company under the Penalty of Forty Shillings and in case any Serjeant or Corporal so appointed, Shall refuse to warn the People to appear under arms when thereunto required by his Captain or next Commanding Officer, he shall for every such neglect or Refusal forfeit the sum of Twenty Shillings.

AND be it further Enacted by the Same Authority, that Such Articles of war, as the Captain General or Commander in Chief for the time being, with a General Council of officers from the Several Regiments of this Colony, shall make and Establish, shall by authority of this Act, have full Force virtue & effect for the punishment of all Offenders against this Act, and the Said Articles or anything therein contained, and all officers and Soldiers of the Militia, Horse or Foot within this Colony, during Such time as They or any of them are under Arms in the Field, or upon watch and ward or other Duty, They and every one of them shall observe & keep all and every the articles of War so as aforesaid Established and shall pay due obedience to his and their Superior officer and officers, and all his or their lawfull commands, and all the Colonels of the Several Regiments Captains of Troops of Horse and unregimented Companies of Foot or other the next officer in their absence, are to give out True coppies of said Articles by them Attested, or by one Field officer

at the Least unto the Respective Officers under them, That the Same may be Publickly read once in every year at the head of every Regiment unto the Soldiers while They are in Arms, to the end all Persons Inlisted may be better known and observe their Several Duties, and if it Shall happen that any Officer or Soldiers Shall at any time whatsoever, whether under Arms upon Duty or otherwise maliciously abuse affront or take Revenge, or endeavour by Force to take Revenge for any Matter or thing by his or their Superior Officer Lawfully done in pursuance of his or their Duty or of anything contained in this Act, the said Officer or Soldier Shall be Brought before a court marshal and shall be Tryed for the Same according to the true Intent and meaning of the articles of War, Provided allways that such punishment Shall not extend to the Loss of Life or limb.

BE it provided and Enacted by the Authority aforesaid that until Such time as the afore mentioned Laws, and Articles of War are established by the Said General Court Marshall, every Soldier under arms, that Shall not give due obedience to his Superiour officer Shall forfeit the Sum of Ten Shillings for each offence, and if any person Inlisted to serve either in Horse or Foot and appearing under Arms and During such appearance Shall refuse or neglect to perform Such Military duty as shall be required from him, or Shall depart from his colours or Guard, without Leave from Such officer, he shall Forfeit the Sum of Twenty Shillings, & for non payment thereof, Shall be committed by warrant from the Captain or Commanding officer there present of the company or Troop to which Such Offender doth belong to the next Goal till the said Twenty Shillings be paid with the Prison CHARGES, and the Sheriff of each City and County is hereby Impowered and required to receive the body or bodies of all Such Offender or Offenders against this Act, as Shall be Brought to him by virtue of a warrant or warrants under the hand & Seal of such Officers as aforesaid, and him or them to keep in Safe Custody, until Such Fees and fines mentioned in Such warrant are paid. AND it is hereby declared that Such Sheriffs or keepers of Goals, Shall in Such Cases as aforesaid be Intituled to the Same Fees as are allowed in all other Cases. PROVIDED likewise that in case of a Military watch or night guard where a Captain doth not command in person, the warrant of distress or warrant of Imprisonment granted by an Inferior Officer, who did Command the guard or



watch, Shall be of the Same Authority against all offenders, as if the Same warrants were Issued by the Captain, anything in this Act to the contrary thereof in any wise notwithstanding.

AND be it Enacted by the authority aforesaid that once every Year or oftener, if thereunto required, each particular Captain Shall give to his Colonel, or in his absence to the next field officer, & Such field officer and the Captains of Unregimented Troops and Companies to the Captain General or Commander in chief for the time being, fair written Rolls, of their respective regiments, Troops and Companies, on the Penalty of Fourty Shillings for a field officer, & Twenty Shillings for an Inferior commanding officer, and if any person be wounded or disabled upon any Invasion or in any other Military Service, he shall be taken care of and Provided for by the Publick, during the time of such disability.

BE it Enacted by the Authority aforesaid That the Several Fines penalties & forfeitures in this Act Mentioned, Shall be Levyed recovered and disposed of as followeth that is to Say, That all Such forfeitures as do relate to any person under the degree of a Captain, Shall be adjudged by & be taken to the respective Captains, to defray the Charges of their Troops & Companies, and to be Levyed before the next exerciseing day, by distress and Sale of the offenders goods by the Captains warrant, directed to the Serjeant or Corporal of the company wherein Said offence was committed, but if the offender be a Servant or under his Parents care, then in Such case the Masters or Parents goods shall be Liable to such distress & sale as aforesaid til satisfaction be made, and if any Serjeant or Corporal shall refuse to Execute Such Warrant so to him directed, Such Serjeant or Corporal shall for every Such offence Forfeit for the uses above Mentioned the Sum of Forty Shillings to be Levyed in manner before Expressed, by Such other officer serjeant or Corporal as such Warrant shall be directed to, and for all other penalties & Forfeitures in this Act mentioned, the same Shall be Levyed by distress and sale of the offenders goods, by warrant from the Colonel or the next field Officer where Such offenders are, one half to Such colonel or field officer and the other half for the use and benefit of the Regiment in the City and County where the offense is committed, and if the Fines that relate to persons under the Degree of a Captain, Shall not amount to a sum sufficient to defray the Charges of Captains of Troops

& Companies that then what is wanting shall and may be levied upon the Several Soldiers equally, by warrant of the Colonel or chief officer of the Regiment Troops or companies, and if no goods are to be found whereon to destrain, the person offending is to be sent to the next Goal there to remain till Sattisfaction be given, and the Prison fees paid, and the Serjeants Corporals or Clerk of the Regiment, are to reserve to themselves out of each distress or Forfeiture the Sum of Three Shillings for Executing each Warrant, from their Captain or other Superior officer, and the Warrant or Warrants to be given to the Serjeants Corporals or Clerks for making Such distress as aforesaid Shall be in the form following

BY Virtue of an Act of General Assembly of this Colony Intituled an Act to Regulate the militia of this Colony, you are hereby required & commanded to Levy by distress upon the goods and chattels of C. D. the Just and full Sum of \_\_\_\_\_ and you are to have the Same Sum before me on \_\_\_\_\_ which will be the \_\_\_\_\_ Day of \_\_\_\_\_ and in case you shall find no Effects whercon to levy the distress hereby directed to be Levied, you shall take the body of him the said C. D. and him Safely convey to the common Goal, there to remain until the Same with the Prison fees be fully paid and answered, and for your so doing this Shall be your Sufficent warrant, witness my hand and seal this \_\_\_\_\_ Day of \_\_\_\_\_ in the \_\_\_\_\_ year of his Majesties Reign annoq. Domini \_\_\_\_\_ And this Warrant and the execution thereof by the Person to whom it is Directed Shall be good in Law, and of Full force and Virtue to and for the purposes in this Act mentioned, anything therein to the contrary thereof in any wise notwithstanding.

AND be it further Enacted by the authority aforesaid THAT no person whatsoever do presume to Fire any Small arms after eight of the Clock at night, unless in case of alarm or Insurrection, in which case, four Musqetts or Small arms distinctly fired, or where great Guns are the firing of one great Gun and two musquets or Small Arms distinctly, and beating of a Drum Shall be taken for an alarm, which shall be continued along from place to place throughout the Colony, & every Person that shall neglect his Duty in taking & forwarding the alarm, by Firing or beating drum as aforesaid, or that Shall fire arms after eight a Clock at night, shall be Fined or Punished, at the discretion of a Court Marshal not extending to Life or Limb, and in

case of an alarm, every Soldier is Immediately to repair Armed to his Colours or Parade on Penalty of Five pounds, which parade shall be understood to be the Habitation of his respective Captain, unless it shall be otherwise Ordered and appointed, and for the better prevention of False Alarms no Captain Master or Commander of any Ship or Vessell Riding at anchor in any of the Rivers Harbours or Bays of this Colony, nor any other person Shall Fire any Gun or beat any Drum after eight of the Clock at night, under the Penalty of Twenty Shillings for every Gun so Fired or Drum beaten, to be Levied by Warrant as afore directed, from the chief officer of the Regiment next adjoining NOT under the degree of a Captain, who is hereby Impowered to have Jurisdiction thereof, and to administer an Oath, and give Judgment thereupon, and to direct distress and Sale of the offenders goods, and for want of Such distress the Said chief officer is Impowered to commit Such offender to Goal, there to remain until payment be made of the Same, and the Captain commander or master of any Vessell from whence Such Gun or Guns Shall be Fired, Shall be Deemed and understood to be the offender in this Respect, and in case the chief Officer of the Regiment or Captain aforesaid, Shall not perform his Duty herein, He shall forfeit Three pounds to be Levied by Warrant from the Captain General or Commander in chief for the time being,

AND be it further Enacted, that all Drummers & Trumpeters lately in Service, or that Shall be put in Service by the Several Captains during pleasure, Shall Serve upon the Salary of Forty Shillings per annum for a Trumpeter and Twenty Shillings per annum for a Drummer finding their Trumpet or Drum, and Twenty Shillings for a Trumpeter and Ten Shillings for a Drummer, If the Captain do provide the Drum or Trumpet, and each Drummer or Trumpeter, refusing to Serve to Forfeit Forty Shillings to be Levied in manner aforesaid, allways PROVIDED that all the Members of his Majesties Council & Members of the General Assembly, Justices of the Peace, High Sheriffs, Coroners and other Civil officers of his Majesties Government in this Colony, and all other officers of Courts Ministers of the Gospel School Masters Physitions and Surgeons, Shall be Free from being Listed in any Troop or Company within this Colony, and neither this Act, nor anything therein Contained shall be construed or taken to allow any Indian or Negro Slave to be Listed, or do any Duty belonging to the Militia in this Colony, unless it be to be Drummers Trumpeters or Pioneers.



AND be it Enacted by the Authority aforesaid, that no Commission Officer of the Militia of this Colony Legally Superceded, Shall afterwards be Obligated to do the Duty of a Private Soldier, unless he be Cashered for cowardice by a Court Marshall, or for Some other Notorious offence, nor shall it be in the power of any Commission Officer, to throw up or quit his Commission unless he is Superceded in his Rank, until He have Served in Commission Fifteen years at the least, anything in this Act to the Contrary thereof notwithstanding

BE it Enacted by the Authority aforesaid, that no Military Commission officer as well of Foot companies or Troops of horse, whether Regimented or Independant, as likewise the Troopers in the City & County of New York, Shall be Liable or Subject to Serve as Constables th'o chosen, any Law or usage to the contrary notwithstanding. PROVIDED nevertheless that a Commission obtained by any Person after he is Elected a Constable, Shall not Intitle him to the Exemption before mentioned.

AND whereas upon certain Emergencies it may be found necessary to keep Military watch and ward in some part or parts of this Colony

BE it Enacted by the Authority aforesaid That whenever Such Emergencies Shall make it Necessary to keep a Military watch for a longer time, than the Space of Fourteen Days, in the City and County of Albany (notwithstanding the Several exceptions hereinbefore mentioned) All persons able to bear Arms Living within the Said City and County of Albany (Ministers of the Gospel Doctors of Physick & Surgeons only Excepted) Shall in their Turns upon Due warning, be obliged to Serve upon Such Military Watch, on the penalty of Six Shillings for every DEFAULT or neglect to be recovered from each and every such defaulter or defaulters, and upon Non payment thereof to be Levied by distress upon his or their goods and Chattles in like manner as other Fines are by this Act, directed, to be Destrained for, PROVIDED nevertheless that it Shall and may be Lawfull for any Person or Persons whatsoever obliged to Serve upon Such Military Watch To put a well armed man in his or their room who if approved of by the Captain of the Guard, Shall supply his or their absence, But commission officers in their Turns Shall always be obliged to mount Such Guard in their proper Persons.

BE it further Enacted by the Authority aforesaid That if any Person or Persons Shall be sued Molested or Impleaded for any

matter or thing Lawfully done & commanded in the Execution & performance of this Act, He or They Shall plead the General Issue & give this Act in Evidence, and if the Plaintiff discontinue his action be Non suited or a Verdict pass against him, The defendant Shall recover Treble Cost, nor shall any such suite or suites be admitted or allowed to be Brought unless it be done within three Months next after the offence is Committed.

AND be it Enacted that nothing in this Act contained SHALL be Intended or construed to Derogate from or in any ways Lessen or Diminish the Powers or authorities lodged & vested in the Captain General or Commander in Chief for the time being, by his Majesties Letters Pattents Commission or other power whatsoever, any thing in this Act contained to the Contrary, thereof in anywise notwithstanding.

AND be it Enacted by the Authority aforesaid, That this Act and every Clause Article and thing therein contained Shall commence from the Publication thereof, and remain of Full force and Virtue, until the first day of December, which will be in the in the year one Thousand Seven Hundred and Forty.

## THE TWENTY-SECOND ASSEMBLY

### *Third Session*

(Begun Oct. 9, 1739, 13 George II, George Clarke, Lieut. Governor.)

### [CHAPTER 675.]

[Chapter 675 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Compleating and Building the Fortifications and other the Purposes therein Mentioned, for the Defence and Security of this Colony.

[Passed, October 25, 1739.]

WHEREAS by Virtue of an Act of Assembly, Intituled an Act to Appoint and Impower Commissioners for Erecting Fortifications in this Colony, at the Several Places therein Mentioned, passed in the Eighth year of his present Majesties Reign, there was Erected a Fort at Schonegtade, a Stone Fort at Albany, and a Battery on Copsy Rocks in the City of New York, as in & by the Said Act Reference being had thereto may more at Large appear.

## THE TWENTY-SECOND ASSEMBLY.

*Fifth Session.*

(Begun Sept. 9, 1740, 14 George II, George Clarke, Lieut. Governor.)

## [CHAPTER 694.]

[Chapter 694 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 674. Continued by chapter 716.]

An Act to Continue an Act, Intituled an Act, to Regulate the Militia of this Colony, with an Addition thereto.

[Passed, November 3, 1740.]

WHEREAS an Act of the General Assembly of this Colony Passed in the Thirteenth year of his present Majesties reign, Intituled an Act, to Regulate the Militia of this Colony, will expire by its own Limitation the first day of December in this present year one Thousand Seven Hundred & Forty. BE it therefore Enacted by the Lieutenant Governour, the Council & the General Assembly & it is hereby Enacted by the Authority of the Same, that the above mentioned Act & every Clause Article & thing there in contained, Shall be & hereby is continued until the first day of December, which will be in the year one Thousand Seven Hundred & Forty one.

AND be it further Enacted by the Authority aforesaid, That during the continuance of the Said act not only in cases of allarm, but likewise in all Such other Sudden Emergencies as may require any part of the Militia to come into Arms, the Captain or Captains of the Company or companies where Such Emergencies may happen, Shall & hereby is & are fully Impowered to call his or their Companies Immediately into arms & not only to march them to the Place or Places where their Service is most Required but Likewise to Employ them in keeping of a Military Watch; & in the mean while to give the Speediest Intelligence thereof, to his or their Collonel or Lieutenant Collonel, or to the Captain General or Commander in chief for the time being, and upon receiving Directions from their Said Superiour officers, They are either to continue their Said company under Arms or in keeping the Said watch, or to Discharge the Same as the Said Superiour officer or officers Shall

184. N. Y.—*General Assembly; Col. Laws, Vol. 3, Lyon, 1894; Act, Nov. 3, 1740, pp. 69-70.*



order & direct, whether the company is then Discharged or not, anything in the above mentioned Act to the contrary hereof notwithstanding.

[CHAPTER 695.]

[Chapter 695 of Livingston & Smith and Van Schaack, where the title only is printed. Expired November 1, 1741.]

An Act for Letting to Farm the Excise on Strong Liquors Retailled in this Colony from the first of November next, to the first day of November in the year one Thousand Seven Hundred & Forty one.

[Passed, November 3, 1740.]

WHEREAS by an Act of the General Assembly Intituled an Act for Laying an Excise on all Strong Liquors Retailled in this Colony Passed in the Twelfth year of the Reign of her Late Majesty QUEEN ANNE, there was given and granted to her Said Majesty her Heirs & Successors a Duty of Excise on all Strong Liquors Retailled in this Colony, from the first day of November one Thousand Seven Hundred and Fourteen, To the first day of November one Thousand Seven Hundred and Thirty Four for the use and Purposes in the Said Act particularly mentioned, which Said Duty of Excise, hath by Several subsequent Acts been further continued from the Said first Day of November one Thousand Seven Hundred & Thirty Four, to the first day of November, which will be in the year of our Lord one Thousand Seven Hundred & Fifty Seven.

AND whereas Several Persons have by Themselves or by Some of the Members in their behalf, offered and Engaged to Pay for the Said Duty of Excise in the Cittys and Countys of this Colony, from the first day of November next, To the first day of November, which will be in the year of our Lord one Thousand Seven Hundered and Forty one Such Rates as are conceived more beneficial, Than to Let the Same to Farm in any other manner, and a Contract being accordingly concluded for that Purpose.

BE it declared and Enacted by the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the authority of the Same, That the persons hereinafter named, Shall be the Farmers of the Said Duty of Excise, from the first Day of November next Ensuing, To the first Day of November,

Authorized & Required at any time after the Publication of this Act upon application to them made, by the Justices of the Peace of the Said County, or the Major part of Them, to Raise Levy and Collect, within the Said County of Richmond, a Sum not Exceeding the Sum of Twenty Pounds, which Said Sum, Shall be Deemed and Esteemed as a part of the County Charge AND Shall be Raised Levied and Collected in the Same manner as the other County Charges are, and the money so Raised Levied and Collected as aforesaid, Shall be paid by Warrant or Warrants from the Supervizors or the Major part of Them, to Such Person or Persons as Shall be Appointed by the Justices of the Peace of the Said County of Richmond, or the Major part of Them, to be applied for the use before Mentioned.

See also original p. 169.

[CHAPTER 716.]

[Chapter 716 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 694. Continued by chapter 730.]

An Act to Continue an Act, Intituled an Act, to Regulate the Militia of this Colony, with a further Addition thereto.

[Passed, November 27, 1741.]

WHEREAS an Act Intituled an Act to Regulate the Militia of this Colony, Passed in the Thirteenth year of his present Majesties Reign, hath by another Act, Intituled an Act to Continue an Act Intituled an Act, to Regulate the Militia of this Colony, with an Addition thereto, Passed in the Fourteenth year of his Said Majesties Reign, been Continued and Enacted to be of Force, until the first day of December in this present Year One Thousand Seven Hundred and Forty one, And for as much as it is highly necessary to have the Militia of this Colony under Proper Regulations.

BE it Enacted by his Honour the Lieutenant Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That as well the first Mentioned Act, as the Addition thereto in the Act whereby the Same is Continued in manner as aforesaid, and every Clause, Matter & thing contained in both or Either of the Said Acts, Shall from and after the Said first day of December next Ensuing, Be and Remain in full Force to all Intents Constructions and Purposes whatever until the first day of December, which will be in the Year, one Thousand Seven Hundred & Forty Two.

185. N. Y.—*General Assembly; Col. Laws, Vol. 3, Lyon, 1894; Act, Nov. 27, 1741, pp. 168-170.*

AND WHEREAS upon an Invasion Insurrection or other Emergency, it may be found Necessary to keep a Military night Watch in the City of NEW YORK. BE it further Enacted by the Authority Aforesaid, That when and so often as such Necessity Shall happen during the Continuance of this Act, all Persons Residing in the Said City who are Exempted from Military Duty in the afore Mentioned Act The Gentlemen of his Majestys Councill the Judges of the Supreme Court The Members of the Generall Assembly The Deputy Secretary and Clerk of the Councill for the Time being only Excepted Shall be and hereby are obliged upon due warning to Watch in their respective Turns, Either Personally or by Providing an Able man in his or their Stead at his or their Election, and upon Failure thereof all & Every the Person or Persons making Such Default, Shall be Subject & Liable to the like Fines as in the Act Aforesaid is Inflicted on Inlisted Persons for such default, to be recovered Levyed & applyed in the Same manner as in the Said Act is directed, any thing therein to the contrary notwithstanding.

BE it further Enacted by the same Authority that all Persons so Exempted by the Act herein before mentioned, or by this present Act The Gentlemen of his Majestyes Councill the Judges of the Supreme Court, The Members of the Generall Assembly The Deputy Secretary and Clerk of the Council for the Time being only Excepted Shall be & hereby are obliged to be Furnished with the like Arms & quantity of Ammunition which in the Said Act is directed, that Inlisted Men Shall be Farnished with and be Lyable to the Same Examination upon the Penalties mentioned in the Said Act, To be recovered, Levyed & applyed in Manner as Aforesaid.

AND that Allarms from Sea may be soon Conveyed. be it ENACTED by the Same Authority, That the Beacons allready Erected by virtue of a former Act, Shall be kept up to it, one on the Western part of Rockaway, one Other at the Narrows on the IsLand of Nassau, and one other opposite to it on Statten IsLand, and the respective ColoneIs of the Places aforesaid Shall be & hereby are obliged to have Due care taken of Them, as Likewise to appoint proper Persons living near the Said Beacons to Set the Same on Fire, upon the Sight or appearance of Seven or a greater Number of Ships, and when the Alarm is given by one, The others are also Imediately to be Set on Fire to the End an Alarm may be Conveyed to New York in the



Speediest manner, and when the Said Beacons are so consumed, others are Immediately to be Erected by the Respective Collonels above Mentioned.

ALLWAYS Provided that nothing contained in this Act Shall Lessen or abridge the Several Liberties & Exemptions which are Allowed & granted to the Firemen in the City of New York, in and by an Act, Intituled an Act, for the better Extinguishing Fires which may happen in the City of NEW YORK passed in the Eleventh Year of his present Majesties reign

[CHAPTER 717.]

[Chapter 717 of Livingston & Smith and Van Schaack, where the title only is printed. Expired September 1, 1742.]

An Act to Apply the Monies granted for Support of this Government for Payment of the Salaries, Services and Contingencies there in Mentioned until the first of September one Thousand Seven Hundred & Forty two, and for Transporting Recruits to the West Indies.

[Passed, November 27, 1741.]

To the End all the Salaries of the Officers, and the Several Services and other Contingencies of this Colony may be Duely discharged from & to the time herein after Mentioned, and that the Honourable Gentleman who his Majesty has (according to undoubted accounts) been pleased to Constitute Captain General & Governour in Chief over this Colony, may be Intituled, After his Arrival here, to as Large a salary for his administring the Government thereof, as has at any time been allowed to any former Governour in Chief. BE it Enacted by his Honour the Lieutenant Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, that the Treasurer of this Colony Shall be & hereby is Impowered & Required, out of the Interest money arisen or to arise by virtue of an Act, Intituled an Act, for Emitting bills of Credit, for the Payment of the Debts, & for the better Support of the Government of this Colony and Other Purposes therein Mentioned, Passed in the Eleventh year of his Majestys reign; and out of money arisen or to arise by Virtue of another Act, Intituled an Act, For & Towards Supporting the Government of this Colony, by granting to his Majesty the Duties therein Mentioned from the first day of December one Thousand Seven Hundred & Forty,

## [CHAPTER 730.]

[Chapter 730 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 716. Expired December 1, 1743. Provided for by chapter 747.]

An Act further to continue as well an Act Intituled an Act, to Regulate the Militia of this Colony, as the other Acts therein Mentioned by which the Same hath been Continued.

[Passed, October 29, 1742.]

WHEREAS the Militia of this Colony ought at all Times to be under Proper Regulation for its Security & Defence, and more Especially at this Critical Juncture, BE it Enacted by his Honour the Lieutenant Governour the Council & General Assembly and it is hereby Enacted by the Authority of the Same, That the following Acts of General Assembly to wit, one Intituled an Act to Regulate the Militia of this Colony Passed in the Thirteenth year of his Present Majesties reign another Intituled an Act to continue an Act Intituled an Act, to Regulate the Militia of this Colony with an Addition thereto, Passed in the Fourteenth year of the Said Reign, and one other Intituled an Act to Regulate the Militia of this Colony with a further Addition thereto, Passed in the Fifteenth year of the same Reign, which will Remain of Force no Longer than the first day of December in this present year one Thousand Seven Hundred & Forty two, Shall to all Intents Constructions and Purposes whatever, be & Remain in full Force & Virtue & Every Clause Article, Matter & thing contained in the Said Acts & in Every one of Them from the Said first Day of December next Ensuing, until the first Day of December, which will be in the year one Thousand Seven Hundred & Forty Three, Anything in the Said Acts or in any of Them to the Contrary thereof notwithstanding

186. N. Y.—*General Assembly; Col. Laws, Vol. 3, Lyon, 1894; Act, Oct. 29, 1742, p. 224.*

Assembly and it is hereby Enacted by the Authority of the Same, That this present General Assembly, And all other General Assemblies hereafter to be called or held, shall & may respectively have continuance for Seven years & no longer, To be accounted from the Day on which by the Writts of Summons this Present General Assembly hath been, or any future General Assembly, Shall be Appointed to meet, unless this present or any Such Succeeding General Assembly hereafter to be Summoned Shall be Sooner Dissolved by the Governour or Commander in Chief of this Colony for the time being

[CHAPTER 747.]

[Chapter 747, of Livingston & Smith and Van Schaack, where the title only is printed. Expired December 1, 1744. Provided for by chapter 771.]

An Act for the better Regulating the Militia.

[Passed, December 17, 1743.]

WHEREAS a due and Proper Regulation of the Militia of this Colony Tends not only to the Security and Defence thereof, but likewise to the Honour and Service of his Majesty.

BE it therefore Enacted by his Excellency the Governour the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same, That Every Person from Sixteen to Sixty years of age, residing within this Colony, Shall within one month after He arrives at the age of Sixteen, and Every Sojourner above the Same Age, having Resided within this Colony above Three months, Shall Inlist himself with the Captain or in his Absence with the next Commanding Officer Either of the Troop of Horse in the City or County where He dwells or Resides, or in Such Company of Foot, whose Captain or next Commanding Officer has the Command thereof, in the City, Town, Burrough, Mannor or Precinct where Such Person Shall Reside or Sojourn, under the penalty of Ten Shillings, and Six Shillings for every Month that Such Person Shall remain so unlisted after notice given, And all Captains of Troops of Horse and Companies of Foot in the Several Cities Burroughs, Townships, Mannors and Precincts of this Colony, are hereby commanded to take due care to Inlist all Inhabitants & Sojourners from Sixteen to Sixty years of Age, which age in case of doubt is to be proved by the Oath of the Person whose age



is in Question or THE Oath of his Parent or Some other Credible witness to be taken by the officer before whom the Dispute shall happen to be, who shall administer the Same in the words following. I A. B. do swear upon the holy Evangelists of Almighty God, That C. D Summond before Captain E. F in order to be Inlisted is        years old and no more, according to the best of my knowledge So help me God. Which Oath being duly Administered by the Captain or other Officer who hath Summoned Such Person before him in order to be Inlisted, and it appearing that He is under Sixteen He shall be for that Time dismissed, and if any Dispute should arise about Elder Persons and it appearing, that He or They are above the age of Sixty, Such Person or Persons Shall be Exempted at all Times thereafter.

AND be it Enacted by the Authority Aforesaid that all Captains of Troops of Horse, and Companies of Foot, shall within Three Months from the Commencement of this Act, provide for their Companies & Troops, Drums & Trumpets, Colours & Banners and Drummers and Trumpeters at the proper Charge of their Respective Captains of Troops and Companies under the Penalty of Six Pounds, and for every month Such Captain shall remain Unprovided thereof the Sum of Three Pounds.

AND be it further Enacted by the Same Authority that the Collonels or Commanding officers of all, Regiments, Troops or unregimented Companies within this Colony. Shall at least once in Every year, Issue out their Warrants to their Inferiour officers commanding him or Them to make Dilligent Search and Enquiry in their Several Precincts THAT all Persons be duly Listed, Armed and Equiped, and to return to them the names of Such Defaulters as He or they shall find, To the End they may be Punished according to this Act, and if any Collonel of a Regiment, or in his absence the next Commanding Officer, or any Captain or Commanding Officer of a Troop of Horse or Unregimented Company, Shall neglect his Duty herein, He or they so neglecting, Shall Forfeit the Sum of Five Pounds for such Neglect or Omission.

AND be it further Enacted by the Authority Aforesaid, That at Least once in Every year, or oftener if occasion shall require and Command be given by the Collonel and in his absence by the next Commanding Officer of the respective Regiments, The Several Companies in Each Regiment, and the Troops of Horse

and Unregimented Companies of the Several Counties, Shall meet at the most convenient Places therein, to be appointed by the Respective officers, To be then and there Mustered and Exercised, and that Every Soldier belonging to the Horse, Shall at the time and Place commanded appear and be Provided with a good Serviceable Horse not Less than Fourteen Hands High covered with a good Saddle, Houlsters, Housing, Breast Plate and Cruper, a case of good Pistols, a good Sword or Hanger, half a pound of Powder and Twelve Sizeable Bullets, a good hatt Laced with Silver Lace, a black Bag or riband for the hair or Peruke, a Scarlet Coat trim'd with Silver a pair of large Boots with Suteable Spurs and a Carbine well Fixed with a good Belt Swivel & Buckels, Provided that so much hereof as Relates to the Apparel of Troopers, Shall extend to the City & County of New York only.

AND be it Provided and Enacted by the Authority Aforesaid that in Case of a General Allarm or Invasion all Unregimented or Independant Companies and Troops, shall in the absence of the Captain General or Commander in Chief, be under the Immediate Command and Direction of the Collonel, and in his absence the next Commanding Officer of the Regiment of the City or County, where Such Unregimented or Independant Companies or Troops are or may be any thing herein to the Contrary hereof notwithstanding.

AND be it further Enacted by the Authority Aforesaid, that the Troopers for the City and County of Albany, Shall be clad in blew Coats, and their Hatts shall be laced with Silver, and the number of the Troop in the Said City & County, Shall be Sixty besides Officers, and the Number of all other Troops in this Colony, shall be Fifty Troopers BESIDES Officers, and for a constant Supply of Troopers in each City & County within this Colony, where Troops of Horse have been, or are in being whensoever it shall happen by Death or Otherwise that there be fewer Troopers in Number than are Limited by this Act, and the same cannot be Supplied by Voluntiers that then the Captain of Such Troops Shall under his Hand certifie unto the Collonel of the Regiment of Foot or in his absence to the next Commanding Officer in the City or County where such want shall happen, how many Troopers are wanting in his List of the Troop under his Command, and thereupon the Said Collonel or next Commanding Officer of Such Regiment, Shall nominate out of the Same the Number that shall be so wanting as aforesaid, Provided that

Such Person or Persons so nominated by the Said Colonel or next Commanding Officer, be a Freeholder and not under the age of Twenty one years upon which Nomination the Person or Persons so nominated shall within the Space of three Months Equip Themselves as is hereby Directed, and every Trooper that shall be so nominated to serve in any of the Troops, and Refusing to equip himself & Serve, He shall for Such Offence Forfeit the Sum of Ten Pounds, and upon payment thereof, shall not be Liable to any other or further Forfeiture for any offence respecting the Troop but shall nevertheless be subject to serve in the Foot service as if no Such Nomination had ever been made, And all Troopers already Inlisted or who Shall consent to be Inlisted in manner as aforesaid refusing or neglecting to appear Shall for every Such Offence Forfeit the Sum of Ten Shillings for the first Default in not appearing, For the Second default THE Sum of Fifteen Shillings, and for the Third Default Twenty Shillings, and for Every Default after the Third, Twenty Shillings until he doth appear, for want of a Sizeable Horse, Ten Shillings, and for want of each or Either of the Articles of the Troopers Furniture the Sum of Five Shillings. PROVIDED That all the Penalties on one person for the default of one Day do not Exceed the Sum of Twenty Shillings, and Every Trooper or Soldier belonging to the Horse, shall always have at his habitation or place of abode one pound of fine Powder, and Three Pounds of Sizeable Bullets, on Penalty of Ten Shillings for Every default.

AND be it Enacted by the Authority aforesaid that the Companies of Cadies and blew Artillery in the City of New York, are to consist each of one Hundred Men, besides Officers, and if the Collonel of the Regiment of the Said City, or in his absence the next Feild Officer thereof, doth Suspect, that the Captain or Captains of the Said Companies have Inlisted a greater Number than is Limited, above the Captain of the Company so Suspected, Shall be obliged within fourteen Days after notice to deliver to the Captain General or Commander in Chief, a True and Compleat Roll of the name and names of all the Persons He or they have on his or their List, and if it thereby appears that more are Inlisted than the number above mentioned All Such Supernumary Men are Immediately to be discharged out of Such List, and the Captain is to give a List of their names to the Collonel or next Field Officer aforesaid, and the Person or Persons so DISCHARGED Shall within fourteen days



thereafter inlist him or Themselves in one of the foot Companies of the Said Regiment, and Such of the Persons so discharged as shall omit to Inlist himself accordingly Shall be Subject to the Fines in this Act on Persons omitting or Neglecting to Inlist in the Militia

AND be it Enacted by the Authority Aforesaid That every foot Soldier in any of the Regiments or Independant Companies of Foot in this Colony, Shall be Provided with a good well fixed Musquit or Fusee, a good Sword, belt, and cartridge box, Six cartridges of powder, and Six Sizeable bullets, and so provided shall appear, when & where required upon Penalty of Five Shillings for each Musquit or Fusee not well fixed, and for want of a Sufficient Sword, Belt, or Cartridge box, Shall forfeit one Shilling & the Same for want of each Cartridge or Bullet, the whole Penalty for the default of one Person for one Day not to Exceed Ten Shillings and the Sufficiency of the Musquits, or Fusee, Sword, Belt & Cartridge Box to be Judged of and Determined by the Captain, or in his absence the next Commanding Officer of Such Company, and Every foot Soldier shall at his habitation or place of abode, have one pound of good Powder and Three pounds of Sizeable bullets, upon penalty of Ten Shillings for each Soldier of Foot, and if any Soldier of Foot or Horse shall refuse to Show to his Captain or Person Sent by him or other Officer for that Purpose by this Act appointed, all or any of the Equipage, Furniture or Ammunition, here mentioned, He shall be Deemed and Esteemed to be unprovided thereof, and Shall be fined Accordingly.

AND be it Enacted by the Same Authority that upon notice given of a General Muster or of the Review or appearance in the Field of any PARTICULAR Troop or Troops Company or Companies no Person whatsoever Listed in Horse or Foot in manner aforesaid, Shall withdraw himself from that Service, or go out of Town, without first acquainting his Captain and in his absence the Next Commanding Officer therewith, and without his Leave or Authority so to do, under the Penalty of Ten Shillings, and no Commission Officer shall remove himself out of Town or withdraw from the Service, without Leave from his Superior Officer, under the Penalty of Twenty Shillings, and no Serjeant, Corporal or Drummer whether of Horse or Foot, shall absent Themselves in manner aforesaid under Penalty of Twenty Shillings.

AND be it further Enacted by the Same Authority that no Person or Persons being thereunto required by their Superior &

proper Officer, shall refuse to be Serjeant, Corporal, or Drummer, in any Troop or Company, under the penalty of Forty Shillings, and in case any Serjeant or Corporal, so appointed shall refuse to warn the People, to appear under Arms when thereunto Required by his Captain or next Commanding Officer, he shall for every Such Neglect or refusal forfeit Twenty Shillings.

AND be it further Enacted by the Same Authority that such Articles of Warr, as the Captain General, or Commander in Chief for the time being with a General Council of Officers, from the Several Regiments of this Colony, Shall make and Establish, Shall by Authority of this Act have full Force, Virtue and Effect, for the Punishment of all offenders against this Act, and the Said articles or anything therein contained, and all Officers and Soldiers of the Militia, Horse or Foot within this Colony DURING Such time as They or any of them are under arms in the Field or upon Watch and Ward, or other Duty, They & every of Them shall observe & keep, all and every the Articles of War so as aforesaid Established, and shall Pay due Obedience to his and their Superior officer and officers and all his or their Lawfull commands, And all the Collonels of the Several Regiments, Captains of Troops of Horse and Unregimented Companies of Foot, or other the next Officer in their Absence are to give out True Copies of Said Articles, by them Attested, or by one field officer at the Least, unto the respective officers under them, that the Same may be Publickly read once in Every Year at the head of every Regiment unto the Soldiers; while they are in Arms, to the End all Persons Inlisted may the better know and Observe their Several Duties.

AND if it Shall happen that any Officer or Soldier Shall at any time whatsoever, whether under Arms, upon Duty, or Otherwise Maliciously, abuse, affront, or take Revenge, or Endeavour by force to take Revenge for any matter or thing by his or their Superior Officer Lawfully done in pursuance of his or their Duty, or of any thing contained in this Act, the Said officer or Soldier, Shall be brought before a Court Martiall, and Shall be tryed for the Same, according to the true intent and meaning of the Articles of War. Provided always that Such Punishment, Shall not Extend to the Loss of Life or Limb.

BE it Provided and Enacted by the Authority aforesaid that until Such time as the before Mentioned Laws & Articles of War are Established by the Said General Court Martiall, every Soldier UNDER Arms that shall not give due obedience to his

Superior Officer, Shall forfeit the Sum of Ten Shillings for each offence, and if any Person Inlisted to Serve Either in Horse or foot and appearing under Arms, and during Such Appearance Shall Refuse or Neglect to Perform Such Military Duty as Shall be Required from him, or Shall depart from his Colours or Guard, without Leave from Such Officer, He shall Forfeit the Sum of Twenty Shillings, and for non payment thereof, Shall be committed by Warrant from the Captain or Commanding Officer there present, of the Company or Troop to which Such Offender doth belong to the next Goal till the Said Twenty Shillings be paid with the Prison Charges, and the Sheriff of each City and County is hereby Impowered and required to receive the Body or Bodies of all Such Offender or Offenders against this Act as Shall be brought to him by Virtue of a Warrant or Warrants under the hand & Seal of Such Officers as aforesaid, and him or them to keep in Safe Custody until Such Fees & Fines mentioned in Such Warrant are paid, AND it is hereby declared that Such Sheriffs or keepers of Goals, Shall in such Cases as aforesaid be Intituled to the Same Fees as are Allowed in all other Cases. Provided Likewise that in case of a Military Watch or night Guard where a Captain doth not Command in Person, the warrant of Distress or Warrant of Imprisonment granted by an Inferior Officer, who did Command the Guard or Watch, Shall be of the Same Authority against all Offenders, as if the Same Warrants were Issued by the Captain, anything in this Act to the Contrary thereof in any wise.

AND be it Enacted by the Authority Aforesaid, That once every year or oftener if thereunto required each particular Captain shall give to his Colonel, or in his absence to the next Field Officer, and Such Field Officer and the Captains of Unregimented Troops & Companies to the Captain General or Commander in Chief for the time being, fair written Rolls of their Respective Regiments, Troops & Companies on the Penalty of Forty Shillings for a field Officer, and Twenty Shillings for an Inferior Commanding Officer, and if any Person be wounded or disabled upon any Invasion, or in any other Military Service, He shall be taken care of and Provided for by the Publick during the time of Such Disability.

BE it Enacted by the Authority aforesaid That the Several Fines, Penalties and Forfeitures in this Act mentioned, Shall be Levied, Recovered, and Disposed of as followeth, that is to Say, that all Such Forfeitures as do relate to any Person under



the Degree of a Captain, shall be Judged by and be taken to the respective Captains to Defray the Charges of their Troops & Companies, and to be Levyed before the next Exerciseing day, by Distress and Sale of the Offenders goods, by the Captains Warrant Directed to the Serjeant or Corporal of the Company, wherein the Said Offence was Committed, But if the offender be a Servant, or under his Parents care, Then in such case the Masters or Parents goods Shall be Lyable to Such Distress and Sale as aforesaid, till Sattisfaction be made and if any Serjeant or Corporal Shall refuse to Execute Such Warrant so to him directed, Such Serjeant or Corporal, shall for every Such Offence Forfeit for the uses above Mentioned the Sum of Forty Shillings to be Levyed in manner before Expressed, by Such other Officer, Serjeant or Corporal, as Such warrant Shall be Directed to, and for all other Penalties and Forfeitures in this Act mentioned, the Same Shall be Levyed by Distress & Sale of the Offenders goods by Warrant from the Collonel, or the next Field Officer where Such Offenders are, one half to Such Collonel or Field Officer, and the other half to the use and Benefit of the Regiment in the City and County where the Offence is committed, And if the Fines that Relate to persons, under the degree of a Captain, Shall not amount to a Sum Sufficient to Defray the Charges of Captains of Troops and Companies, that then what is wanting, Shall & may be Levyed upon the Several Soldiers Equally by Warrant of the Collonel or Chief Officer of the Regiment, Troops, or Companies, and if no goods are to be found whereon to Distrain, the person Offending is to be sent to the next Goal there to remain till Sattisfaction be given, and the Prison Fees paid, and the Serjeants, Corporals, or Clerk of the Regiment are to reserve to themselves, out of each Distress or Forfeiture the Sum of Three Shillings for Executing each Warrant from their Captain, or other Superior Officer and the Warrant or Warrants to be given to the Serjeants, Corporals or Clerks for making Such Distress as aforesaid, Shall be in the Form following By virtue of an Act of the General Assembly of this Colony, Intituled an Act for the better Regulating the Militia you are hereby required & Commanded to levy by distress upon the goods & Chattels of C. D the just and full Sum of

and you are to have the Same Sum before me on  
which will be the Day of

AND in case you shall find no Effects whereon to Levy the Distress hereby directed to be Levyed, you shall take the body of

him the Said C: D: and him safely convey to ye common Goal, there to remain until the Same with the Prison Fees be fully paid & answered, and for your so doing, this Shall be your Sufficient Warrant, witness my hand and Seal the                      Day of                      in the                      Year of his Majesties Reign Annoq: Domini                      and this warrant and the Execution thereof by the person to whom it is directed, Shall be good in Law, and of full Force & virtue, to and for the purposes in this Act mentioned any thing therein to the Contrary thereof in any wise notwithstanding

AND be it further Enacted by the Authority Aforesaid, that no Person whatsoever do presume to Fire any Small Arm, after Eight of the Clock at night, unless in case of Alarm or Insurrection, in which case four Musquets or Small Arms distinctly fired, or where great guns are, the firing of one great Gun and two Musquets or Small Arms distinctly, and beating of a Drum shall be taken for an Allarm, which Shall be continued along from place to place throughout the Colony, and every person that shall neglect his duty, in taking and forwarding the Alarm, by firing, or beating Drum as aforesaid, or that shall fire Arms after eight of the Clock at night, Shall be fined or Punished at the discretion of a Court Marshall not Extending to Life or Limb, and in case of an Alarm every Soldier is Immediately to repair armed to his Colours or Parade on Penalty of Five pounds, which parade shall be understood to be the Habitation of his respective Captain, unless it shall be otherwise ordered and appointed, and for the better Prevention of false Alarms NO Captain, Master, or Commander of any Ship or Vessell riding at Anchor in any of the Rivers, Harbours, or Bays of this Colony, nor any other Person, Shall fire any gun, or beat any Drum after Eight of the clock at night, under penalty of Twenty Shillings for every Gun so fired, or Drum beaten, to be Levied by Warrant as afore directed from the chief officer of the Regiment next adjoining, not under the degree of a Captain, who is hereby Impowered to have Jurisdiction thereof, and to Administer an Oath, and give Judgment thereupon, and to direct distress & Sale of the Offenders goods, and for want of Such Distress, the Said chief officer is Impowered, to Commit Such offender to Goal there to remain until Payment be made of the same, And the Captain, Commander, or Master of any Vessell from whence Such Gun or Guns shall be fired shall be deemed and understood to be the offender in this Respect, and in case

the Chief Officer of the Regiment, or Captain aforesaid, shall not perform his duty herein, He shall Forfeit Three pounds, to be Levied by Warrant from the Captain General or Commander in Chief for the time being.

AND be it further Enacted that all Drummers and Trumpeters lately in Service, or that shall be put in Service by the Several Captains during pleasure, shall Serve for the Salary of Forty Shillings per annum for a Trumpeter, and Twenty Shillings per annum for a Drummer finding their Trumpet or Drum, and Twenty Shillings for a Trumpeter, and Ten Shillings for a Drummer if the Captain do provide the Drum or Trumpet, and each Drummer or Trumpeter refusing to Serve to forfeit Forty Shillings, to be Levied in manner aforesaid. Always Provided that all the Members of his Majesties Council, and Members of the General Assembly, Justices of the Peace, High Sheriff's Coroners, and other civil Officers of his Majesties Government in this Colony, and all other officers OF Courts, Ministers of the Gospel, School Masters, Physitions & Surgeons One Miller to Each Mill Ferryman and Persons Employed in Furnaces for making of Iron shall be free from being Listed in any Troop or Company within this Colony, & neither this Act, nor anything therein contained, Shall be taken or construed to allow any Indian or Negro Slave to be Listed, or do any Duty belonging to the Militia in this Colony.

BE it Enacted by the Authority aforesaid That no Commission officer of the Militia of this Colony, Legally Superceeded, Shall afterwards be obliged to do the Duty of a Private Soldier, unless he be Cashered for Cowardice by a Court Martiall or for Some other notorious Offence, nor Shall it be in the Power of any Commission Officer to throw up, or quit his Commission, unless he is Superceeded in his Rank, until he has Served in Commission Fifteen years at the Least anything in this Act to the Contrary thereof notwithstanding.

BE it Enacted by the Authority aforesaid, that no Military Commission Officer as well of Foot Companies or Troop of Horse whither Regimented or Independant, as likewise the Troopers in the City and County of New York, shall be Lyable or Subject to Serve as Constable th'o chosen any law or usage to the Contrary notwithstanding, PROVIDED nevertheless that a Commission Obtained by any Person after he is Elected Constable shall not Entitle him to the Exemption before Mentioned.



AND WHEREAS upon certain Emergencies it may be found necessary to keep Military Watch and Ward in Some part or parts of this Colony, BE it Enacted by the Authority Aforesaid that wheresoever Such Emergencies Shall make it necessary to keep a Military Watch for a Longer time, than the Space of Fourteen Days in the City and County of Albany (notwithstanding the Several Exceptions herein before Mentioned) All persons able to bear Arms, Living within the Said City & County of Albany (Ministers of the Gospel, Doctors of Physick and Surgeons only Excepted) Shall in their Turns upon Due warning be obliged to Serve upon Such Military Watch on Penalty of Six Shillings for every default or Neglect, to be recovered from each and every Such Defaulter or Defaulters, and upon non payment thereof to be Levied by Distress upon his or their goods and chattels in like manner as other Fines are by this Act directed to be Distrained for, Provided nevertheless, that it Shall & may be Lawfull for any Person or Persons whatsoever obliged to Serve upon Such Military Watch, to put a well armed man in his or their Room, who if approved of by the Captain of the Guard Shall Supply his or their absence, but Commission Officers in their Turns shall always be obliged to mount Such guard in their proper Persons under the Penalty of Twenty Shillings for each neglect to be recovered & applied in manner aforesd.

AND Whereas upon an Invasion, Insurrection or other Emergency it may be found necessary to keep a Military night Watch in the City of New York. Be it further Enacted by the Authority Aforesaid, that when and so often as Such necessity Shall happen during the Continuance of this Act, all Persons residing in the Said City (Ministers of the Gospel Doctors of Physick and Surgeons only Excepted) Shall be and hereby are obliged upon due warning, to watch in their Respective Turns either Personally, or by providing an able man in his or their Stead, at his or their Election, and upon failure thereof all & every the Person or Persons making Such Default, Shall be Subject and Lyable to the like Fines as in this Act is Inflicted on Inlisted Persons for Such Default, to be Recovered, Levied & applied in the Same manner as in this Act is directed anything therein to the Contrary notwithstanding.

AND be it further Enacted by the Same Authority that all Persons Shall be and hereby are obliged to be furnished with the like Arms and quantity of Ammunition which in this Act is

directed, that Inlisted Men Shall be Furnished with, and be Lyable to the Same Examination upon the Penalties aforesaid, to be recovered Levyed and applyed in manner as aforesaid PROVIDED always that Nothing in this Act Shall Extend or be Construed to Extend to the Members of his Majesties Council the Clerk of the Council or his Deputy or their Domestick Servants Any thing in this Act Contained to the Contrary notwithstanding.

AND that Allarms from Sea may be soon conveyed, BE it Enacted by the Same Authority, that the Beacons already Erected by Virtue of a former Act, Shall be kept up, To wit one on the Western part of Rockaway, one other at the Narrows on the Island of Nassau and one other Opposite to it on Staten Island, and the respective Collonels of the Places aforesaid, Shall be and hereby are Obliged, to have due care taken of them, as likewise to appoint proper Persons Living near the Said Beacons, to Set the Same on Fire, upon the Sight or appearance of Seven or a greater number of Ships, and when the Allarm is given by one, the others are also Imediately to be Set on Fire, to the End an Alarm may be conveyed to New York in the Speediest Manner, and when the Said Beacons are so consumed, others are Imediately to be Erected by the respective Collonels above Mentioned, ALWAYS PROVIDED that nothing contained in this Act, shall Lessen or abridge the Several Liberties & Exemptions which are allowed and granted to the Fire Men of the City of New York, in and by an Act, Intituled an Act for the better Extinguishing Fires which may happen in the City of New York passed in the Eleventh year of his present Majesties reign

AND be it further Enacted by the Authority aforesaid that during THE Continuance of this Act not only in Cases of Alarm, but likewise in all Such other Sudden Emergencies as may require any part of the Militia to come into Arms, the Captain or Captains of the Company or Companies, where Such Emergencies may happen, Shall and hereby is & are fully Impowered to call his or their Company or Companies Imediately into Arms, and not only to march them to the Place or Places where their Service is most required, but Likewise to Employ them in Keeping of a Military Watch, and in the meanwhile to give the Speediest Intelligence thereof to his or their Collonel, or Lieutenant Collonel, or to the Captain General and Commander in Chief for the time being and upon receiving directions from

their Said Superior Officers, They are Either to Continue their Said Companies under Arms, or in keeping the Said Watch, or to discharge the Same, as the Said Superior Officer or Officers Shall order and Direct, whether the Company is then Discharged or not, anything herein contained to the contrary thereof notwithstanding.

AND be it further Enacted by the Authority Aforesaid, that all the Commission Officers of the Regiment of New York, the Commissioned Officers of the Independant Companies, and the Commission Officers of the Artillary Company, Shall wear their Swords every Sunday during the Continuance of their Commissions, under the Penalty of Ten Shillings for every Such Neglect, which forfeiture, Shall be recovered & applied in manner aforesaid

BE it Enacted that nothing in this Act contained shall be Intended or Construed, to Derogate from or in any wise Lessen or diminish the Powers or Authority Lodged and Vested in any Captain General and Commander in Chief for the Time being by his Majesties Letters Patent, Commission or other Power whatsoever, any thing in this Act contained to the Contrary thereof in any wise notwithstanding.

BE it Enacted by the Authority aforesaid that if any Person or Persons Shall be Sued, Molested, or Impleaded, for any matter or thing Lawfully done & commanded in the Execution & Performance of this Act, He or they shall plead the General Issue, and give this Act in Evidence, and if the Plaintiff discontinue his Action, be nonsuited, or Verdict pass against him, the defendant shall recover Treble Costs, nor shall any Such Suit or Suits be admitted or allowed to be brought, unless it be done within Three months next after the offence is committed.

AND be it Enacted by the Authority aforesaid, That if any Navall Force Should make an Attempt upon the City of New York And there should not be a Sufficient Quantity of Gun powder belonging to the Government for the Use and defence of the Fortifications there Shall By Order of the Governour or Commander in Chief Or in Case of his Absence from the said City By Order of the Lieut. Governour if present Or in his absence by Order of the Members of his Majesties Council then residing there be Purchased or Impressed by the field Officers of the Regiment of the City of New York for the time being, so much Powder as upon Such an Event may be Requisite & necessary to make a vigorous defence, & Such part thereof as upon



Such an Emergency Shall be Expended, the General Assembly Shall & will provide ways & means fully to pay for the Same at the then Current Price.

BE it Enacted by the Same Authority that this Act Shall be of Force from the first of December one Thousand Seven Hundred & Forty Three To the first of December one Thousand Seven Hundred and Forty four.

[CHAPTER 748.]

[Chapter 748, of Livingston & Smith and Van Schaack, where the act is printed in full.]

An Act for the more Speedy Recovery of Legacies within this Colony.

[Passed. December 17. 1743.]

WHEREAS the Methods heretofore made use of for the Recovery of Legacies in this Colony, have been Tedious & Expensive to the great Hurt and Loss of many of the good People of this Colony, for Remedy thereof.

BE it Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that from & after the Twenty Fifth day of March next, It shall & may be Lawfull for any person or persons whatsoever to whom any Legacy or Bequest of any Sum or Sums of Money, or other personal goods, or Chattels or any Residuary Estate have been or may be given by the Last Will & Testament of any other person or persons legally made, to commence, Sue or Prosecute an Action of Debt, Detinue or Account as the Case may happen for Such Legacy after it becomes due; If it amount to the Value of Twenty Pounds or upwards, in the Supreme Courts of this Colony, or any other Court of Record; and if under Twenty Pounds, in any of the Courts of Common Pleas in any of the Counties of this Colony in which Action or Actions so to be commenced if it shall appear that the Legacy or Legacies are due; and there be sufficient Assets in the hands of the Executors to discharge the just Debts of the Testator, and the Legacy or Legacies bequeathed, the Plaintiff or Plaintiffs Shall recover with Cost of Suit, any Law, usage or Custom to the Contrary notwithstanding. But in case there Shall be Assets to discharge all the Debts of the Testator, with an overplus, not amounting to a Sum Sufficient to discharge all the Legacies that may be given, then an Abatement shall be

Damage which the Owner or Owners thereof may Reasonably Suffer by reason of Such Fortifications being thereon Erected, and return the Same to the Said Justices or the Major part of Them, under their hands & Seals, and thereupon the Said Justices, of the Said Township of Schenectady, Shall Transmit under their hands the Appraisement So returned to the Trustees of the Township of Schenectady, who are by virtue of this Act authorized Impowered & Required to cause the Sum so appraised to be paid to the respective owner or owners of the Said Lands within Six Months next after Such Appraisement made returned & Transmitted in manner aforesaid, out of the Publick Townships Money, and upon Such Payment Such Lands & Possessions, Shall be held deemed & Esteemed to belong to the Said Township.

AND be it further Enacted by the Authority aforesaid, that the Said Justices & Captains, Shall cause the Stockadoes Mentioned in the Said Act, to be Set up round the Said Town, as soon as conveniently can be done.

#### [CHAPTER 771.]

[Chapter 771, of Livingston & Smith and Van Schaack, where the title only is printed. Continued by chapter 814.]

#### An Act for the better Regulating the Militia of this Colony.

[Passed. September 21, 1744.]

WHEREAS a due and proper Regulation of the Militia of this Colony, Tends not only to the Security and Defence thereof, but Likewise to the Honour and Service of his Majesty.

BE IT THEREFORE Enacted by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That every Person from Sixteen to Sixty years of age, Shall Inlist himself with the Captain, or in his absence, with the next Commanding Officer, either of the Troop of Horse in the City or County, where He dwells or resides, or in Such Company of Foot, whose Captain or next Commanding officer has the Command thereof, in the City, Town, Borough, Mannor or Precinct where Such Person Shall Reside or Sojourn, under the Penalty of Twenty Shillings for every Three Months, that Such Person Shall remain so unlisted after notice given, & all Captains

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of Troops of Horse & Companies of Foot, in the Several Cities, Boroughs, Townships, Mannors & Precincts of this Colony, are hereby Commanded to take Due care to Inlist all Persons from Sixteen to Sixty years of Age, which age in case of Doubt is to be proved by the Oath of the Person, whose age is in Question or the Oath of his Parent or Some other Credible witness, to be taken by the Officer before whom the Dispute Shall happen to be, who shall administer the Same in the Words following.

I. A. B do swear upon the Holy Evangelists of Almighty God, That C. D. SUMMONED before Captain E. F in order to be Inlisted is                years old and no more, according to the best of my knowledge, So help me God.

WHICH Oath being duly administered by the Captain, or other officer, who hath Summoned such Person before him in order to be Inlisted, & it appearing that he is under Sixteen, He shall be for that Time dismissed, and if any Dispute should arise about Elder Persons, and it appearing that He or they are above the age of Sixty, Such Person or Persons shall be Exempted at all times thereafter, from being so Inlisted.

AND be it Enacted by the Authority aforesaid, That all Captains of Troops of Horse & Companies of Foot, Shall within Three Months from the Commencement of this Act, Provide for their Companies & Troops, Drums and Trumpets, Colours & Banners and Drummers & Trumpetors, at the proper charge of their respective Captains of Troops & Companies, under the Penalty of Six Pounds, and for every Month Such Captain Shall remain unprovided thereof the Sum of Three pounds.

AND be it further Enacted by the Same Authority that the Colonels or Commanding officers of all Regiments, Troops or unregimented Companies within this Colony, Shall at Least once in every year, Issue out their Warrants to their Inferior officers, Commanding him or them to make Diligent Search & Enquiry in their Several Precincts, that all Persons be duly Listed, Armed & Equiped and to return to Them the names of Such Defaulters as he or they shall find, to the End they may be punished according to this Act, and if any Colonel of a Regiment or in his absence the next Commanding officer, or any Captain or Commanding officer of a Troop of Horse, or Unregimented Company, Shall neglect his Duty herein He or they so Neglecting, Shall Forfeit the Sum of Five pounds for such Neglect or Omission.



AND be it further Enacted by the Authority aforesaid, That at least once in every year, or oftener if Occasion shall require & Command be given by the Colonel and in his absence by the next Commanding officer of the respective Regiments, the Several Companies in Each Regiment, Shall meet at the most convenient Places therein to be APPOINTED by the Said Colonel or Commanding officer

And the Independant Troops of Horse and unregimented Companies in the Several Cities & Counties, Shall Likewise meet at Such Place & places as the respective officers thereof Shall appoint to be then & there Mustered & Exercised.

And that every Soldier belonging to the Horse, shall at the time & Place commanded, appear, and be provided with a good Serviceable Horse not less than fourteen hands high, with a good Saddle, Holsters, Housing, Breast Plate & Crupper, a Case of good Pistolls, a good Sword or Hanger, half a Pound of Powder & Twelve Sizable Bullets, a good Hat laced with gold lace, a Blew Coat & Britches with gilt or Brass buttons, a Scarlet Westcoat, a pair of Boots with Suitable Spurs, and a Carabine well fixed with a good belt, Swivel & Bucket: Provided that so much hereof as relates to the Cloathing of Troopers, Shall Extend to the City & County of New York only.

AND be it Provided & Enacted by the Authority aforesaid, That in case of a General Alarm or Invasion, all unregimented or Independant Companies & Troops, Shall in the Absence of the Captain General or Commander in Chief, be under the Immediate Command & Direction of the Colonel, and in his absence the next Commanding Officer of the Regiment of the City or County where such Unregimented or Independant Companies or Troops are or may be, any thing herein to the Contrary hereof notwithstanding.

AND be it further Enacted by the Authority aforesaid, That the Troopers for the City & County of Albany, Shall be Clad in blew Coats, and their Hats Shall be Laced with Silver, and the Number of the Troop in the Said City & County, Shall be Sixty & no more besides Officers: and the Number of all other Troops in this Colony, Shall be Fifty Troopers & no more besides officers

BE it farther Enacted by the Authority aforesaid, That for a constant Supply of Troopers in Each City & County within this Colony, where Troops of Horse have been or are in being, whensoever it shall happen by DEATH or otherwise, that there

be fewer Troopers in Number, than are limited by this Act, and the Same cannot be Supplied by Voluntiers, That then the Captain of Such Troop shall under his hand Certify unto the Colonel of the Regiment of Foot, or in his absence, to the next Commanding officer, in the City or County where Such want Shall happen, how many Troopers are wanting in his List of the Troop under his Command, and thereupon the Said Colonel or next Commanding officer of Such Regiment Shall nominate out of the Same, the number that shall be so wanting as aforesaid, provided that Such Person or Persons so nominated by the Said Colonel, or next Commanding officer, be a Freeholder and not under the age of Twenty one years, upon which Nomination the Person or Persons so nominated shall within the Space of Three Months, Equip themselves as is hereby Directed and every Person that Shall be so nominated to Serve in any of the Troops and Refusing to Equip himself & Serve, He shall for Such offence Forfeit the Sum of Ten pounds, and upon payment thereof, Shall not be Liable to any other or further Forfeiture for any offence respecting the Troop, but shall nevertheless be Subject to Serve in the foot Service, as if no Such nomination had ever been made: And all Troopers already Inlisted, or who shall consent to be Inlisted in manner aforesaid, refusing or neglecting to appear, Shall for every Such offence, Forfeit the Sum of Ten Shillings, for the first Default in not appearing, for the Second Default the Sum of Fifteen Shillings, and for the Third Default Twenty Shillings, and for every Default after the Third Twenty Shillings, until He doth appear: For want of a Sizable Horse, Ten Shillings, and for want of Each or Either of the Articles of the Troopers furniture, the Sum of Five Shillings, Provided that all the Penalties on one Person for the Default of one Day, do not Exceed the Sum of Twenty Shillings, and every Trooper or Soldier belonging to the Horse, Shall always have at his Habitation or Place of abode, one Pound of fine Powder & Three pounds of Sizable Bullets, on Penalty of Ten Shillings for every Default.

AND be it Enacted by the Authority aforesaid That THE Companies of Cadets & blew Artillery in the City of New York, are to Consist each of one Hundred Men besides officers, and if the Colonel of the Regiment of the Said City, or in his absence the next Field officer thereof, doth Suspect, that the Captain or Captains of the Said Companies, have Inlisted a

greater number than is Limited above the Captain of the Company so Suspected, Shall be obliged within fourteen Days after notice, To deliver to the Captain General or Commander in Chief a True & compleat Roll, under his or their hands, of the name & names of all the Persons he or they have on his or their List. And a true Coppy thereof to the Said Colonel, or next Field officer of the Said Regiment, and on failure to Forfeit the Sum of Five pounds, to be Levyed by Warrant under the hand & Seal of the Captain General or Commander in chief for the time being, and if it thereby appears that more are Inlisted than the Number above Mentioned, all Such Supernumerary Men, are Immediately to be Discharged out of Such List, and the Captain is to give a List of their names to the Colonel or next field officer aforesaid, and the person or persons so Discharged, Shall within fourteen Days thereafter, Inlist him or Themselves, in one of the foot Companies of the Said Regiment, and Such of the Persons so discharged, as shall omit to Inlist himself accordingly, Shall be Subject to the Fines in this Act, on Persons omitting or neglecting to Inlist in the Militia.

AND be it Enacted by the Authority aforesaid, That every foot Soldier in any of the Regiments or Independant Companies of Foot in this Colony, Shall be Provided with a good, well fixed Musquet, or Fusee, a good Sword, Belt & Cartridge Box, Six Cartridges of Powder, & Six Sizable Bullets, & so provided shall appear, when & where required, upon Penalty of Five Shillings, for each Musquet, or Fusee not well fixed, & for want of a Sufficient Sword Belt or Cartridge Box, Shall Forfeit one Shilling & the Same for want of each Cartridge or Bullet, the whole Penalty for the Default of one person for one Day not to Exceed Ten Shillings, and the Sufficiency of the Musquet or Fusee, Sword, Belt & Cartridge Box to be Judged of & determined by the Captain or in his absence the next Commanding Officer of Such Company, and every foot Soldier shall at his Habitation or Place of abode, have one pound of good Powder & Three pounds of Sizable Bullets, upon Penalty of Ten Shillings for each Soldier of Foot, and if any Soldier of Foot or Horse, Shall Refuse to Shew to his Captain or Person SENT by him or other officer for that purpose by this Act appointed, all or any of the Equipage, Furniture, or Ammunition herein Mentioned, He shall be Deemed & Esteemed to be Unprovided thereof, and Shall be fined accordingly.



AND be it Enacted by the Same Authority, That upon notice given of a General Muster, or of the Review or appearance in the Field of any Particular Troop or Troops, Company or Companies, no Person whatsoever Listed in Horse or Foot in manner aforesaid, Shall withdraw himself from that Service, or go out of Town, without first acquainting his Captain, & in his absence the next Commanding officer therewith, and without his leave or authority so to do, or neglect appearing, under the Penalty of Ten Shillings, and no Commission Officer Shall remove himself out of Town or withdraw from the Service, without leave from his Superior officer, or neglect appearing under the Penalty of Forty Shillings, and no Serjeant, Corporal, or Drummer whether of Horse or Foot, Shall absent Themselves, or neglect appearing in manner aforesaid, under the Penalty of Fifteen Shillings.

AND be it further Enacted by the Same Authority, That no Person or Persons, being thereto required by their Superior & proper officer, Shall refuse to be Serjeant, Corporal, or Drummer, in any Troop or Company, under the Penalty of Forty Shillings, and in Case any Serjeant, or Corporal so appointed, Shall refuse to warn the People to appear under Arms, when thereunto required by his Captain or next Commanding officer, He shall for every Such neglect or Refusal Forfeit Twenty Shillings.

AND be it further Enacted by the Same Authority, That such articles of War, as the Captain General or Commander in Chief for the Time being, with a general Council of Officers from the Several Regiments of this Colony, Shall make & Establish, Shall by the Authority of this Act, have full Force, Virtue & Effect, for the Punishment of all offenders against this Act, and the Said Articles or anything therein Contained, & all officers & Soldiers of the Militia, Horse or Foot within this Colony during Such time as They or any of them are under Arms, in the Field, or upon Watch & Ward or other Duty, They & every of Them Shall observe & keep all & every the ARTICLES of War so as aforesaid Established & Shall pay due Obedience to his & their Superior officer & officers, and all his or their Lawfull Commands, and all the Colonels of the Several Regiments, Captains of Troops of Horse & Unregimented Companies of Foot, or other the next Officer in their absence, are to give out True Coppies of Said Articles by them attested or by one Field Officer at the least, unto the respective

officers under them, That the Same may be Publickly read at the head of every Regiment, unto the Soldiers while they are in Arms, to the End all Persons Inlisted may the better know & observe their Several Duties.

AND if it shall happen that any officer or Soldier Shall at any Time whatsoever, whether under Arms, upon Duty, or otherwise, Maliciously abuse, affront or take Revenge, or Endeavour by Force to take Revenge for any matter or thing by his or their Superior officer Lawfully done, in pursuance of his or their Duty, or of any thing contained in this Act, the Said officer or Soldier, shall be brought before a Court Martial, and shall be Tryed for the Same, according to the true Intent and meaning of the Articles of WAR, Provided always, That Such Punishment shall not Extend to the Loss of Life or Limb.

BE it Provided & Enacted by the Authority aforesaid, That until Such time, as the before Mentioned Laws & Articles of War, Shall be Established as aforesaid, Every Soldier under Arms that shall not give due obedience to his Superiour Officer, Shall Forfeit the Sum of Ten Shillings, for each offence, and if any Person Inlisted to Serve, Either in Horse or Foot and Appearing under Arms, and during Such Appearance, Shall Refuse or Neglect to perform, Such Military Duty as Shall be required from him, or Shall depart from his Colours or Guard, without Leave from Such officer, He shall Forfeit the Sum of Twenty Shillings, and for non Payment thereof, Shall be Committed, by Warrant from the Captain or Commanding officer there Present of the Company or Troop to which Such offender doth belong, to the next Goal, til the Said Twenty Shillings be paid, with the Prison Charges, & the Sherif of each City & County IS hereby Impowered & required to Receive the Body or Bodies of all Such Offender or Offenders against this Act, as Shall be brought to him by virtue of a Warrant or Warrants, under the hand & Seal of Such officer as aforesaid and him or Them to keep in Safe Custody, until Such Fees and Fines mentioned in Such Warrant are Paid, and it is hereby declared that Such Sherifs or Keepers of Goals, Shall in Such Cases as aforesaid, be Intituled to the Same Fees as are allowed in all other Cases.

AND be it Enacted by the Authority aforesaid, That once every year or oftner if thereunto required, each particular Captain shall give his Colonel, or in his absence, to the next Field

officer, and Such Field officer & the Captains of Unregimented Troops & Companies to the Captain General or Commander in Chief for the Time being, fair written Rolls of their respective Regiments, Troops & Companies, on the penalty of Forty Shillings for a Field officer & Twenty Shillings for an Inferior Commanding officer.

BE it Enacted by the Authority aforesaid, That in Case the Several Fines, Penalties and Forfeitures in this Act mentioned Shall not be paid upon Demand the Same Shall be Levyed, recovered and Disposed of as followeth, That is to Say, That all Such Forfeitures as do relate to any Person under the Degree of a Captain, Shall be Judged by, and be taken to the respective Captains to Defray the Charges of their Troops & Companies, and to be Levyed before the next Exerciseing Day, by distress & sale of the offenders Goods, by the Captains Warrant Directed to the Serjeant or Corporal of the Company wherein the Said offence was Committed, but if the offender be a Servant, or under his Parents care then & in Such Case the Masters or Parents Goods Shall be Liable to Such Distress & Sale as aforesaid, till Satisfaction be made, and if any Serjeant or Corporal Shall Refuse to Execute Such Warrant so to him Directed, Such Serjeant or Corporal, Shall for every Such offence Forfeit for the uses above mentioned, The Sum of Forty Shillings to be Levyed in manner before Expressed, by such other officer Serjeant or Corporal, as Such Warrant Shall be Directed to, And for all other Penalties & Forfeitures in this Act mentioned the Same Shall be Levyed by Distress & Sale of the offenders Goods, by Warrant from THE Colonel or the next field officer where Such offenders are, one half to Such Colonel or field Officer, and the other half to the use & benefit of the Regiment, in the City & County where the offence is Committed. And the Serjeants, Corporals or Clerk of the Regiment, are to reserve to Themselves out of each Distress over and above the Fine or Forfeiture, the Sum of Three Shillings for Executing each Warrant from their Captain or other Superior officer, which Warrant & the Execution thereof by the Person to whom Directed Shall be good in law, & of full force & virtue to & for the purposes in this Act mentioned, any thing therein to the contrary thereof in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid, that no Person whatsoever do Fire any Small Arm after Eight of the



Clock at Night, unless in case of Alarm or Insurrection, in which Case, Four Musquets or Small Arms distinctly Fired, or where great Guns are, the firing of one great Gun & two Musquets or Small Arms distinctly, and beating of a Drum, Shall be taken for an Alarm; which Shall be continued along from Place to Place Throughout the Colony, and Every Person that Shall neglect his Duty in taking & forwarding the Alarm, by Firing & beating Drum as aforesaid, or that shall Fire Arms after Eight of the Clock at Night, Shall be fined or Punished at the Discretion of a Court Martial not Extending to Life or Limb, And in Case of an Alarm, every Soldier is Immediately to repair Armed to his Colours or Parade, on Penalty of Five Pounds, which Parade Shall be understood to be the Habitation of his respective Captain, unless it Shall be otherwise ordered & appointed, and for the better Prevention of false Alarms, no Captain, Master or commander, of any Ship or Vessell, Riding at Anchor in any of the Rivers, Harbours or Bays, of this Colony NOR any other Person, Shall Fire any Gun or beat any Drum, after Eight of the Clock at Night, under Penalty of Twenty Shillings, for every Gun so Fired or Drum beaten, To be Levied by Warrant as aforesaid, from the chief officer of the Regiment next adjoining, not under the Degree of a Captain, who is hereby Impowered to have Jurisdiction thereof, and to Administer an Oath, and give Judgment thereupon, and to direct Distress & Sale of the offenders Goods, and for want of Such Distress, the Said chief officer is Impowered to Commit Such offender to Goal, there to remain until Payment be made of the Same, and the Captain, Commander or Master of any Vessell from whence, Such Gun or Guns Shall be Fired, Shall be Deemed & understood to be the offender in this respect, and in Case the Chief officer of the Regiment, or Captain Aforesaid, Shall not perform his Duty therein, He shall Forfeit Three Pounds, to be Levied by Warrant from the Captain General or Commander in Chief for the time being.

AND be it further Enacted, That all Drummers & Trumpeters in Service, or that shall be put in Service, by the Several Captains during Pleasure Shall Serve for the Salary of Forty Shillings pr Annum for a Trumpeter, and Twenty Shillings per Annum for a Drummer, finding their Trumpet or Drum, and Twenty Shillings for a Trumpeter & Ten Shillings for a

Drummer, if the Captain do Provide the Drum or Trumpet, & each Drummer or Trumpeter refusing to Serve, to Forfeit Forty Shillings to be Levied in manner aforesaid, always Provided that no Indian, Negro, or Mullato Slave, Shall be Listed, or do any Duty belonging to the Militia in this Colony.

PROVIDED and be it Enacted by the Same Authority. That the Members of the General Assembly, Justices of the Peace, High Sheriffs, Coroners and all other Officers of Courts, MINISTERS of the Gospel, School Masters, Physitions, Surgeons, Persons Employed in Furnaces for making of Iron, One ferry Man, To every Publick Ferry, One Miller to Each grist Mill House, Shall be Free from being Listed in any Troop or Company within this Colony.

BE it Enacted by the Authority aforesaid, That no Commission Officer of the Militia of this Colony, Superseeded, Shall afterwards be obliged to do the Duty of a Private Soldier, unless he be Casheered for Cowardice by a Court Martial, or for Some other notorious offence, nor Shall it be in the Power of any Commission Officer to throw up or quit his Commission, unless he is Superseeded in his Rank, or has Served in that Rank, Fifteen years at the Least, any thing in this Act to the Contrary thereof notwithstanding.

BE it Enacted by the Authority aforesaid, That no Military Commission officer, Either of foot Companies or Troops of Horse, whether Regimented or Independant, nor any Trooper in the City & County of New York & Albany, Shall be Lyable or Subject to Serve as Constables though Chosen any Law or usage to the Contrary notwithstanding, Provided nevertheless that a Commission obtained by any Person, after he is Elected Constable Shall not Intitle him to the Exemption before Mentioned.

AND Whereas upon Certain Emergencies it may be found necessary to keep Military Watch & Ward in Some part or parts of this Colony, Be it Enacted by the Authority Aforesaid, That wheresoever Such Emergencies Shall make it necessary to keep a Military Watch in the Several City's & Counties of this Colony, all Persons able to bear Arms Living, within the Said Citys & Counties (Ministers of the Gospel, Doctors of PHYSICK and Surgeons only Excepted) Shall in their Turns upon due Warning be obliged to Serve upon Such Military Watch on Penalty of Six Shillings for every Default or Neglect to be Recovered from Each & every Such Defaulter or Defaulters, and upon non Payment thereof, to be Levied by Distress upon his or their

Goods & Chattels in like manner as other Fines are by this Act, directed to be Distrained for. Provided nevertheless, That it shall & may be Lawfull for any Person or Persons whatsoever obliged to Serve upon Such Military Watch, to put a Sufficient Able well armed Man in his or their Room, who Shall Supply his or their absence, but Commission Officers in their Turns, Shall always be obliged to mount Such Guard in their Proper Persons, under the Penalty of Twenty Shillings for Each neglect, to be recovered & applied in manner aforesaid, Provided also that nothing contained in this Act, shall Lessen or abridge the Several Liberties & Exemptions which are allowed & Granted to the Fire Men of the City of New York, in & by an Act Intituled an Act for the better Extinguishing Fires which may happen in the City of New York, Passed in the Eleventh year of his Majestys Reign.

AND Whereas It is Expedient that a head Gunner & Eight Montrosses should Frequently Exercise the Cannon on the Batteries of the Said City, whereby They as well as others may by Seeing Such Exercise, be Enabled, to make a Proper use of Them, whenever there Shall be occasion for it

BE it Enacted by the Same Authority, That the head Gunner & Such MONTROSSES as aforesaid for the time being Shall not be obliged to Watch & Ward, & Shall be Exempted from Serving as Constables, or Surveyor of the high ways, or upon Jury's or Inquests any usage or Law to the Contrary Notwithstanding.

AND forasmuch as by this Act Commission Officers are Directed & required to Mount the military night Guard or Watch in their Turns, Be it Enacted by the Authority aforesaid, That it shall be Lawfull for Such officer as Shall be so upon Duty, to take up any Disorderly Person or Persons, as Likewise Such as he shall have Sufficient reason to Suspect, and to confine him, her or them, to the Guard until the next Day at which Time he may (as the Case shall appear to him) Either dismiss Such Person or Persons, or to cause him, her or Them to be brought before one or more of his Majesties Justices of the Peace, to be dealt with according to Law.

AND be it further Enacted by the Same Authority, That all Persons Shall be & hereby are obliged to be Furnished with the like Arms & Quantity of Ammunition, which in this Act is directed that Inlisted Men, shall be Furnished with, and be Lyable to the Same Examination upon the Penalties aforesaid, to be recovered, Levyed & applied in manner as aforesaid, Ex-



cept the Ministers of the Gospel, Doctors of Physick and Surgeons, anything in this Act contained to the Contrary notwithstanding.

AND that Alarms from Sea may be soon conveyed, Be it Enacted by the Same Authority, That the Beacons already Erected by virtue of a Former Act Shall be kept up to wit, one on the Western Part of Rockaway, one other at the Narrows on the Island Nassaw, and one other Opposite to it ON Staten Island, and the respective Colonels of the Places aforesaid, Shall be & hereby are obliged to have due care taken of Them, as Likewise to appoint proper Persons living near the Said Beacons, to set the Same on Fire, upon the Sight or Appearance of Seven or a greater Number of Ships; and when the Alarm is given by one, the others are also Immediately to be Set on Fire, to the End an Alarm may be Conveyed to New York in the Speediest manner; and when the said Beacons are so Consumed, others are Immediately to be Erected by the respective Colonels above Mentioned.

AND be it further Enacted by the Authority aforesaid, that during the Continuance of this Act, not only in Cases of Alarm, but likewise in all Such other Sudden Emergencies, as may require any Part of the Militia to be under Arms, the Captain or Captains of the Company or Companies, where Such Emergencies may happen, Shall & hereby is & are fully Impowered, to call his or their Companie or Companies Immediately to Arms, and not only to march Them to the Place or Places, where their Service is most required, but Likewise to Employ them in keeping of a Military Watch, and in the meanwhile to give the Speediest Intelligence thereof, to his or their Colonel or Lieutenant Colonel, or to the Captain General & Commander in chief for the time being, and upon Receiving directions from their Said Superior Officers, They are Either to Continue their Said Companies under Arms, or in keeping the Said Watch, or to discharge the Same, as the Said Superior Officer or Officers, Shall order & direct, anything herein contained to the contrary hereof notwithstanding.

WHEREAS the County of Albany by its remote Situation is MOST Lyable to the Invasion of the French by Land, Be it Enacted & declared by the Authority aforesaid, That the Colonel of the County or in his absence, the next commanding officer, Shall be & hereby is Impowered and Directed to Command the whole or any part of the Regiment Independant Company of

Militia & Troop of Horse any or Either of them to march to Such part or parts of it as he Shall Deem necessary Or According to such Orders as he hath or shall receive from the Captain General or Commander in Chief for the Time being to Repel the Said Invasion or Secure any other Part of the County, and every officer Refusing or Neglecting to obey Such orders as he shall receive from the Colonel or next commanding officer, Shall Forfeit for every Such Refusal or Neglect the Sum of Twenty Pounds, and Every Soldier, that shall disobey his officer in the Execution of the orders aforesaid, for every such disobedience Shall Forfeit the Sum of Five pounds, to be Recovered by Warrant from the Colonel, or next Commanding Officer, from Each officer in the Said Regiment, and from Each Soldier by Warrant from their Respective Captains or next commanding officer.

AND be it further Enacted by the Authority aforesaid, That all Persons within this Colony able to bear Arms who have born Commissions Either in the Civil or Military Way, or are Exempted by this Act, (Ministers of the Gospel, Physitions, & Surgeons Excepted) Shall in Case of an Actual Invasion, be obliged to repair well armed & Equiped to the Place to be Appointed, in Each City, Town, Mannor, & Precinct in the Several County's of this Colony, by Such officer or officers as the Governour or Commander in Chief for the Time being, Shall commissionate & appoint in the Several & respective Places aforesaid, to command them, and in case they neglect or Refuse to appear, at the place appointed, in Time of Such Invasion, Every Person so Refusing, Neglecting or Absenting himself, Shall for every SUCH offence Forfeit the Sum of Five pounds to be recovered by Warrant from the Persons that shall be so Commissionated to Command Them.

AND be it Enacted by the Authority aforesaid that no Officer or Soldier, by this Act directed to appear & Muster as aforesaid or that Shall be appointed to Watch, shall be Liable to be taken by any officer in any civil Action whatsoever, on the Day whereon Such Person is directed to appear or Watch, or on any reasonable Time either in going to, Continuing at, or returning Home from the Place or Places appointed to Muster or Watch, and all officers are hereby required to take notice hereof & govern Themselves accordingly.

AND be it further Enacted by the Authority aforesaid, That if any Person be wounded or Disabled, upon any Invasion, or in any other Military Service, he shall be taken care of and Provided for by the Publiick during the time of Such Disability.

AND be it further Enacted by the Authority aforesaid, That all the Commission Officers of the Regiment of New York, The Commission officers of the Independant Companies of the Militia and the Commission officers of the Artillery Company and all Military Commission officers Dwelling in the City of New York, Shall wear their Swords every Sunday, During the Continuance of this Act, under the Penalty of Ten Shillings for every Such Neglect, which Forfeiture Shall be recovered and applied in manner aforesaid

AND be it further Enacted by the Authority afores'd That in Case of any Invasion, Insurrection or Rebellion and not otherwise Every officer of the Militia Shall have full Power and Authority by Virtue of this Act and is hereby required forthwith to raise the Militia or Company under his Command and to Send Immediate Intelligence to the Commanding Officer of the Regiment to which he belongs who also is hereby required and Commanded to send forward the Intelligence forthwith to ye Commanding officers of the next adjacent Countie informing him & them at ye same Time in what Manner he intends to proceed And Shall in the Mean Time keep ye Militia under his Command under Arms until he receives Orders from his Superior officer. And Every commanding Officer in Every County to whom such Intelligence shall Come of any Insurrection Invasion or Rebellion shall forthwith dispatch an Express to the Governour or Commander in Chief for ye Time being notifying ye Danger & shall therewith Signify the Strength & Motions of ye Enemy, & for that purpose ye sd Commanding Officer hath hereby full power to Impress Boats & Hands Men & Horses as ye Service may require for sd dispatch of such Intelligence & until Orders shall arrive from ye Govr or Commr in Chief shall draw together ye Militia of his County in Such place or places as he shall Judge most Convenient for opposing the Enemy.

BE it Enacted by the Authority aforesaid, That the Several Fines and Forfeitures mentioned in this Act & not applied in it, Shall be disposed of in manner following, That is to Say, all Such as do relate to any Person, under the Degree of a Captain, Shall be to the respective Captains, for the Purchasing Arms for their Several Troops & Companies, and all those of the Captain & Superior Officers to the Colonels of the Respective Regiments for purchasing Arms for their Several Regiments.

BE it Enacted That nothing in this Act contained Shall be Intended or Construed to Jerogate from, or in any wise lessen or



Diminish the Powers or Authority Lodged and Vested in any Captain General or Commander in Chief for the Time being, by his Majesty's Letters Patent, Commission, or other Power whatsoever, any thing in this Act contained to the Contrary thereof in anywise notwithstanding. Provided Alwayes that Nothing in this Act Contained Shall Extend or be Construed to Extend to ye Members of his Majesties Council the Clerk of the Council or his Deputy or their Domestick Servants Anything in this Act Contained to ye Contrary notwithstanding

BE it Enacted by the Authority aforesaid That if any Person or Persons Shall be Sued, Molested or Impleaded, for any matter or thing Lawfully done & Comanded in the Execution & Performance of this Act, he or they shall plead the General Issue, & give this Act in Evidence, and if the Plaintiff discontinue his Action, be nonsuited, or Verdict pass against him, the Defendant Shall recover Treble Costs, nor shall any Such Suit or Sutes, be admitted or allowed to be brought, unless it be done within Three Months, next after the offence is committed.

AND be it Enacted by the Authority aforesaid That if any Naval Force Should make any Attempt upon the City of New York, and there should not be a Sufficient Quantity of Gun Powder; belonging to the Government for the use & defence of the Fortifications, there shall by order of the Governour or Commander in Chief, or in case of his absence, from the Said City, by order of the Lieutenant Governour if Present, or in his absence, by order of the Members of his Majestys Council, then Residing there be Purchased or Impressed by the field officers of the Regiment of the City of New York, for the Time being, so much Powder, as upon Such an Event may be Requisite & Necessary to make a Vigorous Defence, and Such part thereof, as upon Such an Emergency Shall be Expended, the General Assembly shall and will provide ways and means fully to Pay for the Same at the then Current Price.

BE it Enacted by the Same Authority, That this Act shall be of Force from the Publication hereof, To the first day of December which will be in the year of our Lord, one Thousand Seven Hundred and Forty Five.

said Sum of Four Hundred Pounds, the said Commissioners are to keep Exact Books and to Render true and Distinct Accompts thereof upon oath to the Governour or Commander in Chief for the time being to the Council, or to the General Assembly when by them or any of them thereunto Required.

TO Paul Richard Esq. the Sum of one Hundred & Eighty Pounds for Purchasing a Quantity of Gun Powder to be Sent to Albany and Delivered to Collonel Philip Schuyler, Colonel of the Regiment of Militia in the County of Albany or to the Collonel of the said Regiment for the time being to be Employed for the use of that Part of the Colony, and his Receipt to the Treasurer for the Same Shall be a good Voucher & Discharge to him for so much.

AND be it Enacted by the Authority aforesaid, That the Treasurer Shall keep Exact Books of the Several Payments, which by this Act he is directed to make, & to Render true Accompts thereof upon Oath to the Governour or Commander in Chief for the time being, to the Council or to the General Assembly, when by them or any of them thereunto required.

AND be it Enacted by the Authority aforesaid that all the Monies borrowed by this Act, Shall be Repaid into the Treasury in Such manner & by Such means as by Act or Acts hereafter to be Passed for that Purpose shall be ordered & Directed.

#### [CHAPTER 814.]

[Chapter 814 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 771. Continued by chapter 843.]

An Act for Continuing an Act Intituled  
an Act for the better Regulating the Militia of  
this Colony.

[Passed, November 29, 1745.]

WHEREAS an Act Intituled an Act for the better Regulating the Militia of this Colony, will Expire by its own Limitation the first day of December in this Present year one Thousand Seven Hundred & Forty five, And for as much as it is highly necessary to have the Militia of this Colony under Proper Regulations

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That the above Mentioned Act, shall be Continued from and after the Publication hereof Until the first day of December which will be in the year One Thousand Seven Hundred & Forty Six.

## [CHAPTER 815.]

[Chapter 815 of Livingston & Smith and Van Schaack, where the act is printed in full.]

An act To make it Felony without Benefit of Clergy, to Counterfeit any Spanish, French or Portugeese Gold or Silver within this Colony.

[Passed, November 29, 1745.]

WHEREAS EVIL disposed Persons have Lately attempted to Counterfeit the Spanish French & Portugeese Gold Coins & the Spanish Pieces of Eight & other Spanish Silver Coins Imported into this Colony, To the great Hurt & Damage of the Inhabitants for Prevention thereof for the future.

BE it Enacted and it is hereby Enacted by his Excellency the Governour the Council & the General Assembly, and by the Authority of the Same That any Person or Persons that shall hereafter be found Guilty of Counterfeiting any of the French, Spanish or Portugeese Gold, Coins or Spanish Pieces of Eight, or any other Spanish Silver money, or shall Pass any Such Gold or Silver Coin, Knowing the Same to be Counterfeit Shall for Such offence being thereof Convicted Suffer the Pains & Penalty, of Death with out the Benefit of Clergy, as in Cases of Felony, any Law Usage or Custom to the Contrary Notwithstanding.

## [CHAPTER 816.]

See also original p. 512.

[Chapter 816 of Livingston & Smith and Van Schaack, where the title only is printed. Livingston & Smith states that the act was passed February 25, 1745. Van Schaack states that the act was passed February 25, 1745-46. The original is signed by the Governor as being enacted February 27, 1745. The discrepancy in this arises from the fact, that the first three months of the year were often referred to as months of the preceding year. For instance, February 27, 1746 was frequently written February 27, 1745-46. (See journal of the council, p. 917.)]

An Act for the Regulating the Militia of this Colony.

[Passed, February 27, 1746.]

WHEREAS a due & Proper regulation of the Militia of this Colony tends not only to the Security & Defence thereof, but likewise to the Honour & Service of his Majesty.

190. N. Y.—*General Assembly; Col. Laws, Vol. 3, Lyon, 1894; Act, Feb. 27, 1746, pp. 511-528.*



BE IT THEREFORE ENACTED by his Excellency the Governour the Council & the General Assembly, and it is hereby Enacted by the Authority of the Same, That Every Person from Sixteen to Sixty Years of Age Shall Inlist himself with the Captain, or in his absence with the next commanding Officer, Either of the Troop of Horse in the City or County where he dwells or Resides, or in Such company of foot, whose Captain or next commanding officer has the command thereof, in the City, Town, Borough Mannor, or Precinct, where Such Person shall reside or Sojourn, under the Penalty of Forty Shillings, for Every three months that Such Person Shall remain so Unlisted after notice given, And all Captains of Troops of Horse & Companies of Foot, in the Several Cities, Boroughs, Townships, Mannors & Precincts of this Colony, are hereby commanded to take due care to Inlist all Persons from Sixteen to Sixty Years of Age, which age in case of Doubt is to be Proved by the said oath of the Person whose age is in Question, or the oath of his Parent, or Some Other Credible Witness to be administered by the officer before whom the Dispute Shall happen to be, who shall and is hereby Impowered to administer the Same in the words following.

I, A. B. do Swear upon the Holy Evangelists of Almighty God, that C. D. Summoned before Captain E. F in order to be Inlisted is        years old according to the best of my knowledge and belief, So help me God.

WHICH Oath being Duly administered by the Captain or Other Officer, who hath Summoned Such Person before him in order to be Inlisted, and it appearing that he is under Sixteen he shall be for that time Dismissed, and if it should appear, That he is above the Age of Sixty, Such Person shall be Exempted at all Times thereafter, from being so Inlisted.

AND be it further Enacted by the Authority aforesaid That all CAPTAINS of Troops of Horse & Companies of Foot, Shall Provide for their Companies and Troops Respectively, Drums & Trumpets, Colours & Banners & Drummers and Trumpeters at the proper Charge of their Respective Captains of Troops and Companies, under the Penalty of Six pounds, and for Every month Such Captain shall remain Unprovided thereof, the Sum of Three Pounds.

AND be it further Enacted by the Same Authority, That the Colonels or Commanding officers of all Regiments, Troops, or unregimented Companies within this Colony, Shall at Least once in Every Year, Issue out their Warrants to their Inferior officers,

commanding him or them to make dilligent Search and Enquiry in their Several Districts, That all Persons be duely Inlisted, Armed, and Equiped, and to Return to Them the names of Such Defaulters, as he or they shall find, to the End they may be Punished according to this Act, & if any Colonel of a Regiment or in his absence the next Commanding Officer or any Captain or Commanding officer of a Troop of Horse or Unregimented Company, shall neglect his Duty herein, He or they so Neglecting, Shall Forfeit the Sum of Five pounds, for every such neglect or omission

AND be it further Enacted by the Authority aforesaid, That at Least once in Every year or oftener if Occasion Shall require & Command be given by the Colonel, and in his absence by the next commanding officer, of the respective Regiments, the Several Companies in each Regiment and the Troops of Horse of the Several Counties, Shall meet at Such Places therein, as Shall be appointed by the Colonel, or in his absence by the next commanding officer, to be then and there Mustered & Exercised, and Every Captain of Each Company, Regimented or Unregimented, Shall four Times Every Year at Least, have his Company under Arms, and Exercise Them, and Every Soldier belonging to the Foot or Independant Companies of Foot, shall at the time & Place appointed appear and be Provided with a well fixed musquet or Fuzee, a good Sword, Belt, Cartridge Box filled with Nine Cartridges of Powder & nine Sizeable Bullets, under the Penalty of Five Shillings for Each Musquet or Fuzee not well Fixed, and one Shilling for want of a Sufficient Sword or Belt or Cartridge Box, and the Same for the want of Each Cartridge or Bullet, The whole Penalty for the Default of one Person for one Day not to Exceed Twenty Shillings, and the Sufficiency of the Musquet or Fuzee Sword Belt or Cartridge box, To be Judged & Determined by the Captain or in HIS absence by the next Commanding Officer of Such Company, and Every Foot Soldier or Trooper shall at his Habitation or Place of abode have one pound of good Powder & Three pound of Sizeable Bullets, upon Penalty of Ten Shillings for Each Soldier, and if any Foot Soldier or Trooper shall refuse to Shew his Captain or person Sent by him, or other officer for that Purpose by this Act appointed, all or any of the Equipage, Furniture or Ammunition herein mentioned, He shall be Deemed & Esteemed to be unprovided therewith, and shall be Fined accordingly.

AND be it further Enacted by the authority aforesaid, That Every Soldier belonging to the Horse, shall at the Time & place appointed to appear and be Provided with a good Serviceable Horse not less than Fourteen hands high with a good Saddle, Holsters, Housing. Breast plate & Crupper, a case of good Pistols, a good Sword or Hanger, half a pound of Powder & Twelve Sizeable Bullets, a good Hatt Laced with Gold Lace, a blew coat & Breeches, with gilt or brass buttons, a Scarlet Waistcoat, a pair of boots with Suitable Spurrs, and a Carbine well fixed with a good belt Swivell & Bucket, Provided that as much hereof as relates to the Cloathing of Troopers, shall Extend to the City and County of New York only.

AND be it further Enacted by the authority aforesaid, That the Troopers for the City and County of Albany, shall be Cloathed in Blew Coats & their Hatts shall be Laced with Silver, and the number of the Troopers in the said City & County, Shall be Sixty & no more besides officers, and the number of each and every other Troops in this Colony shall be Fifty Troopers and no more besides officers.

BE IT FURTHER ENACTED by the Authority aforesaid, That for a Constant Supply of Troopers in Each City & County within this Colony, where there are Troops of Horse whensoever it shall happen by Death or otherwise, That there be fewer Troopers in number than are Limited by this Act, and the Same cannot be Supplied by Voluntiers. That then the Captain of Such Troop shall under his hand Certify unto the Colonel of the Regiment of Foot, or in his absence, To the next Commanding officer in the City or County, where such want shall happen, how many Troopers are WANTING in his List of the Troop under his Command, and thereupon the said Colonel, or next Commanding officer of such Regiment, Shall nominate out of the Same the number that shall be so wanting as aforesaid, Provided that Such Person or Persons so nominated by the said Colonel or next Commanding Officer be a Freeholder & not under the Age of Twenty-one Years; Except in the City & County of New York, where they may be Nominated without being Freeholders, upon which nomination the Person or Persons so Nominated, shall within the Space of Two Months Enlist and Equip Themselves as is hereby Directed, and Every Person that shall be so Nominated to Serve in any of the Troops, and Refusing or neglecting to Inlist and Equip himself & Serve. He shall for Such offence Forfeit the Sum of Ten Pounds, and upon



Payment thereof, Shall not be Lyable to any other or Further Forfeiture for any offence Respecting the Troop, but shall nevertheless be Subject to Serve in the foot Service, as if no Such Nomination had Ever been made, and all Troopers already Listed or who shall consent to be Listed in manner aforesaid, Refusing or Neglecting to appear according to the tenor and meaning of this Act Shall for Every Such offence Forfeit the Sum of Twenty Shillings. For want of a Sizeable Horse Ten Shillings, and for want of Each or Either of the Articles of the Troopers Cloathing or furniture the Sum of Five Shillings. Provided that all the Penalties on one Person for the Default of one Day, do not Exceed the Sum of Forty Shillings

And be it further Enacted by the Authority aforesd. that no Military Commission Officer either of Foot Companys or Troops of Horse whether regimented or unregimented nor any Trooper of the City of New York or Albany Shall be Lyable or Subject to serve in the office of Constable, if chosen while he is such, any law usage or Custom to the contrary notwithstanding

AND be it Enacted by the Authority aforesaid, That the Companies of Cadetts in the City of New York, are to Consist Each of a Number not exceeding one Hundred Men besides officers, and the Blew Artillery Company of the said City, To consist of a Number not exceeding one Hundred & Thirty Men besides officers, And if the Colonel of the Regiment of the said City, or in his absence the next Field officer, thereof, doth Suspect, That the Captain or Captains of the said Companies have Inlisted a greater Number than is Limited above, The Captain of the Company so Suspected, shall be obliged within fourteen Days after Notice, To deliver to the Captain General or Commander in Chief, a True and Compleat Roll under his or their hands of the Name & Names of all the Persons He or they have on his or their List, and a True Coppy thereof to the said Colonel or next Field officer of the said Regiment, and on failure to Forfeit the Sum of Five Pounds, To be Levyed by Warrant under the hand & Seal of the Captain GENERAL or Commander in Chief for the Time being, and if it thereby appears that more are Inlisted than the Number above Mentioned, all Such Supernumary Men, are Immediately to be Discharged out of Such List, and the Captain is to give a List of their names to the Colonel or next Field officer aforesaid, and the Person or Persons so discharged,

Shall within fourteen Days thereafter Inlist him or Themselves in one of the Foot Companies of the said Regiment, and Such of the Persons so Discharged, as shall omit to Inlist himself accordingly Shall be Subject to the Fines in this Act on Persons omitting or neglecting to Inlist in the Militia.

AND be it further Enacted by the Same Authority, That no Person or Persons being thereunto required by their Superiour & Proper officer, shall refuse or neglect to be and Act as Serjeant, Corporal, or Drummer in any Troop or Company under the Penalty of Forty Shillings, and in case any Serjeant or Corporal so Appointed, Shall refuse or neglect to warn the People to appear under Arms when thereunto Required by his Captain or next Commanding Officer, he shall for Every Such Neglect or Refusal Forfeit Twenty Shillings.

AND be it further Enacted by the Same Authority, That such Articles of WAR as the Captain General or Commander in Chief for the time being, with consent of the greater part of the Field officers of the Several Regiments of this Colony, shall make & Establish, shall by the Authority of this Act have full Force Virtue & Effect for the Punishment of all offenders against this Act, and the said Articles or any thing therein Contained, And all officers and Soldiers of the Militia Horse or Foot within this Colony, during Such Time as they or any of Them, are under Arms in the Field, or upon Watch & Ward or other Duty, They & Every of them shall observe & keep ali and Every the Articles of WAR so as aforesaid Established, and shall pay Due obedience to his or their Superiour officer or officers, and all his or their Lawfull Commands, And all the Colonels of the Several Regiments, Captains of Troops of Horse & unregimented Companies of Foot, or other the next officer in their Absence, are to give out true Copies of said Articles by Them attested, or by one field officer at Least unto the Respective officers under Them, That the Same may be Publicly Read at the head of Every Regiment unto the Soldiers while they are Under ARMS, To the End all Persons Inlisted may the better know & observe their Several Duties, and if it Shall happen that any officer or Soldier, shall at any time whatsoever, whether under Arms, upon Duty or Otherwise Maliciously abuse, affront, or take Revenge; or Endeavour by Force to take Revenge for any matter or thing by his or their Superiour officer Lawfully done in Pursuance of his or their Duty, or of any thing Contained in this Act, The

said officer or Soldier, shall be brought before a Court Martial, & shall be Tryed for the Same According to the true Intent & meaning of the Articles of WAR, Provided always that Such Punishment shall not Extend to the Loss of Life or Limb.

AND to the End That Articles of War may be speedily established, Be it further Enacted that in Case any Field officer shall without any reasonable Cause neglect to appear, at the time & place appointed pursuant to Notice given for that purpose by the Capt. General or Commander in Chief for the time being, every such Officer making such Default shall forfeit the Sum of Twenty pounds

BE it Provided & Enacted by the Authority Aforesaid, That until Such time as the before mentioned Laws & articles of War shall be Established as aforesaid, Every Soldier under Arms, that shall not give Due obedience to his Superior Officer, Shall Forfeit the Sum of Ten Shillings for Each offence, And if any Person Inlisted to Serve, Either in Horse or Foot shall neglect to appear or appearing under Arms & during Such appearance, Shall Refuse or Neglect to Perform, Such Military Duty as shall be required from him, or shall depart from his Colours or Guard, without Leave from Such officer, He shall Forfeit the Sum of Twenty Shillings, and for nonpayment thereof, Shall be Committed by Warrant from the Captain or Commanding officer there Present of the Company or Troop to which such offender doth belong to the next Goal, til the said Twenty Shillings be paid with the Prison Charges, and the Sheriff of each City & County is hereby Impowered & Required to receive the Body or Bodies of all Such offender or offenders against this Act, as shall be brought to him by virtue of a Warrant or Warrants under the hand & Seal of Such officer as aforesaid, and him or Them to keep in Safe Custody, until Such Fees & Fines mentioned in Such Warrant are paid, and it is hereby Declared that such Sheriffs or Keepers of Goals, shall in Such Cases as aforesaid, be Intituled to the Same Fees as are allowed in all other Cases

AND be it further Enacted by the Authority aforesaid, That no Person whatsoever do Fire any Small Arm after Eight of the Clock at night, Unless in case of Alarm or Insurrection, in which Case Four Musquets or Small Arms, distinctly fired, or where Great Guns are, The firing of one Great Gun & two musquets or Small Arms distinctly & beating a Drum, shall be taken for an Alarm, which Shall be continued along from Place to



Place throughout the Colony, and Every Person that shall neglect his Duty in taking & Forwarding the Alarm by Firing & BEATING Drum as aforesaid or that shall Fire Arms after Eight of the Clock at Night contrary to the meaning of this Act Shall be fined or Punished at the Discretion of a Court Martial not Extending to Life or Limb, And in case of an Alarm every Soldier upon Notice thereof is Immediately to repair Armed to his Colours or Parade on Penalty of Twenty Five Pounds, which Parade shall be Understood to be the Habitation of his respective Captain, unless it shall be otherwise ordered & appointed, AND for the better prevention of False Alarms no Captain Master or Commander of any Ship or Vessell Riding at anchor in any of the Rivers, Harbours or Bays of this Colony, nor any other Person Shall Fire any Gun or beat any Drum after Eight of the Clock at Night, under Penalty of Forty Shillings, for Every Gun so Fired or Drum beaten, To be Levied by Warrant as aforesaid from the Chief Officer of the Regiment next adjoining not under the Degree of a Captain who is hereby Impowered to have Jurisdiction thereof, and to Administer an oath & give judgment thereupon, and to direct Distress & Sale of the offenders Goods & for want of Such Distress the said Chief Officer is Impowered to Commit Such Offender to Goal there to Remain until Payment be made of the Same, And the Captain Commander or Master of any Vessell from whence such Gun or Guns shall be Fired, Shall be Deemed & Understood to be the offender in this Respect, and in case the Chief officer of the Regiment or Captain aforesaid Shall not Perform his Duty therein, He shall Forfeit Three Pounds to be Levied, by Warrant from the Captain General or Commander in Chief for the Time being.

AND that Alarms from Sea may be Soon Conveyed, Be it Enacted by the authority aforesaid, That the Beacons already Erected by virtue of a Former act, shall be kept up (to wit) one on the Western part of Rockway, One other at the narrows on the Island Nassau, and one other opposite to it, on Staten Island, And the respective Colonels of the Places aforesaid Shall be & hereby are obliged to have Due care taken of Them, as Likewise to appoint Proper Persons Living near the said Beacons, To Set the Same on Fire, upon the Sight or appearance of Seven, or a greater Number of Ships, And when the Alarm is given by one, the others are also Immediately to be

set on Fire, To the End an Alarm may be conveyed to New York in the Speediest manner, And when the said Beacons are Consumed, others ARE Immediately to be Erected by the Respective Colonels above Mentioned.

AND be it further Enacted That all Drummers & Trumpeters in Service or that shall be Put in Service by the Several Captains during Pleasure, Shall Serve for the Salary of Forty Shillings per annum for a Trumpeter & Twenty Shillings per Annum for a Drummer; finding their Trumpet or Drum, and Twenty Shillings for a Trumpeter, & Ten Shillings for a Drummer if the Captain do Provide the Trumpet or Drum, and Each Drummer or Trumpeter refusing to Serve to Forfeit Forty Shillings, To be Levyed in manner aforesaid always Provided That no Indian Negro or Mulatto Slave shall be in Listed or do any Duty belonging to the Militia of this Colony Excepting, as in the Manner herein after directed. PROVIDED & be it Enacted by the Same Authority, That the Members of the General Assembly, The Clerk of the General Assembly, Justices of the Peace, High Sheriffs, Coroners & all other officers of Courts, Ministers of the Gospell, School Masters, Physicians, Surgeons, Persons Employed in Furnaces for making of Iron, one Ferry Man to Every Publick Ferry, one Miller to each grist Mill house, Shall be Free from being Listed in any Troop or Company within this Colony.

BE it Enacted by the authority aforesaid That no Commission officer of the Militia of this Colony Superceded, Shall afterwards be obliged to do the Duty of a Private Soldier, Unless he be Cashiered for Cowardice or some other Offence by a General Court Martial, nor shall it be in the Power of any Commission officer of any Regiment Company or Troop to throw up, or quit his Commission unless he is Superceded in his Rank, or has Served in that Rank, Fifteen years at the Least, any thing in this Act to the Contrary thereof Notwithstanding.

AND WHEREAS upon certain Emergencies it may be found necessary to keep Military Watch & Ward, in Some part or Parts of this Colony BE it Enacted by the Authority aforesaid that whensoever Such Emergencies Shall make it necessary to keep a Military Watch in any of the Cities or Counties of this Colony, all Persons able to bear Arms, Living within the said Cities or Counties, (Ministers of the Gospel. Doctors of Physick, & Surgeons Excepted) Shall in their Turns upon due warning

be obliged to Serve upon Such Military Watch, according to the order and DIRECTION of the Captain general or Commander in Chief for the Time being or the Colonel of the Regiment, or next Commanding Officer, in Every City & County within this Colony, on Penalty of Twelve Shillings for Every Default or neglect to be Recovered from Each & Every Such Defaulter or Defaulters, and upon Non Payment thereof to be Levied by Distress upon his or their goods & Chattels in like manner as other Fines by this Act are Directed to be Distrained for. PROVIDED nevertheless that it shall & may be Lawfull for any Person or Persons whatsoever obliged to Serve upon Such Military Watch to Put a Sufficient able well armed Man in his or Their room, who shall Supply his or their absence, But commission officers in their Turns Shall always be obliged to mount Such Guard in their proper Persons under the Penalty of Forty Shillings for each Neglect.

PROVIDED also that nothing Contained in this Act shall Lessen or abridge the Several Liberties & Exemptions which are allowed & granted to the Fire Men of the City of New York in & by an Act, Intituled an Act, for the better Extinguishing Fires which may happen in the City of New York Passed in the Eleventh year of his Majesties Reign.

BE it further Provided & Enacted by the Authority aforesaid, That the head Gunner & the Matrosses for the Time being, The Clerk of the General Assembly, and the Governments Printer, shall not be obliged to Serve in any Military or Civil Watch & Ward, and shall be Exempted from Serving as Constables or Surveyors of the high Ways, or upon Juries or Inquests, any Law, usage or Custom to the Contrary Notwithstanding

AND be it further Enacted by the Same Authority, That every Military Watch or Guard Shall post Centrys in Such Places as the officer of the Guard thinks Proper, and any Centry that shall Leave his Post or fall asleep where he is Posted, He shall be Lyable to Such Punishment as shall be Inflicted by a Court Martial, and Every Centry upon the approach of any Person or Persons, Shall Challenge him or Them Three Times Distinctly AND if They make no answer the first Second or Third time, He shall Fire upon him or them, and if it should so happen, That he should Kill or wound the Person or Persons So Challenged, Every Centry so wounding or killing any Person or Persons as aforesaid, shall not be Lyable to any Punishment, any Law, usage, or Custom to the Contrary Notwithstanding.



AND be it Provided & Enacted by the Authority aforesaid, That in case of a General Alarm, or Invasion, all unregimented or Independant Companies and Troopers, Shall in the Absence of the Captain General or Commander in Chief, be under the Immediate command & Direction of the Colonel, and in his absence, the next field officer of the Regiment of the City or County where Such unregimented or Independant Companies or Troops are or may be, anything herein to the Contrary hereof Notwithstanding.

AND be it further Enacted by the authority aforesaid That all Persons within this Colony, able to bear Arms, who have born Commissions Either in the Civil or Military way, or are Exempted by this Act (Ministers of the Gospel, Physicians & Surgeons Excepted) Shall in case of a General Invasion, be obliged to Repair well armed & Equiped to the Place to be appointed in Each City, Town, Mannor or Precinct in the Several Counties of this Colony by Such officer or officers as the Governour or Commander in Chief for the Time being shall Commissionate & appoint in the Several & Respective Places aforesaid to Command Them, but if the Governour or Commander in Chief for the Time being should not think Proper, to Commissionate officers to command Them, in that case They shall be obliged to appear, under the Captains of the Several Districts where they Dwell & Reside, and if they Neglect or Refuse to appear at the Place appointed, in time of Such Invasion, Every Person so Refusing Neglecting or absenting himself, Shall for Every Such offence, Forfeit the Sum of Fifty Pounds.

PROVIDED nevertheless and be it further Enacted That all Physicians Surgeons and Apothecarys Resident within the Citys of New York and Albany in Case of Invasion and Attack by the Enemy, shall respectively attend each respective Troop & Company of the Militia (as occasion may require) with Medicines & Utensils on such Posts as shall be assigned by the Capt. Genl. or Commander in Chief for the time being to take Care of the sick and Wounded, and for the Care & Medicines Administered to poor Men & Servants wounded or Sick in the Service they shall be paid & rewarded out of the publick Treasury of this Colony, but in case any Physician, Surgeon apothecary Resident as aforesaid shall willfully neglect their attendance upon any such Occasion, the person or P'sons so neglecting shall forfeit the Sum of £100 to be Recover'd and applied in

such Manner as shall hereafter be directed by Act or Acts to be passed for that purpose.

AND be it Enacted by the Authority aforesaid, That no officer or Soldier by this Act directed to appear & muster as aforesaid, or that shall be appointed to watch, Shall be Liable to be taken by any officer in any Civil action whatsoever, on the Day whereon Such Person is Directed to appear or Watch, or on ANY reasonable Time, Either in going to Continuing at, or Returning home from the Place or Places appointed to muster or Watch, and all officers are hereby Required to take notice hereof & govern Themselves Accordingly.

AND be it further Enacted by the Authority aforesaid, That if any Person be wounded or Disabled upon any Invasion, or in any other Military Service, He shall be taken care of and Provided for by the Publick During the Time of Such Disability.

AND be it further Enacted by the authority aforesaid, That in case of any Invasion, Insurrection or Rebellion, Every Officer of the Militia, shall have full Power & authority by virtue of this Act, and is hereby required forthwith to raise the Militia or Company under his Command, and to Send Immediate Intelligence to the Commanding Officers of the Regiment to which he belongs, who also are hereby Required & Commanded, to Send forwards the Intelligence forthwith to the Commanding officers of the next adjacent Counties Informing him and Them at the Same Time in what manner he Intends to Proceed, and shall in the mean time keep the Militia under his Command under arms until he receives orders from his Superior officers, and Every commanding officer in Every County, to whom Such Intelligence shall come of any Insurrection, Invasion or Rebellion Shall forthwith dispatch an Express to the Governour or Commander in Chief for the Time being notifying the Danger, and shall therewith Signify the Strength & Motions of the Enemy and for that Purpose the said Commanding officer hath hereby full Power to Impress Boats & Hands, Men & Horses as the Service may Require for the Dispatch of Such Intelligence, And until orders shall arive from the Governour or Commander in Chief, Shall draw Together the Militia of his County, and March them to Such Place or Places as he shall Judge most Convenient for opposing the Enemy, and Every field Officer That Shall neglect or Refuse to Perform his Duty hereby Required, shall Forfeit the Sum of Two Hundred Pounds, And

every Captain or other Inferior Officer for his Neglect or Refusal, Shall forfeit the Sum of one Hundred POUNDS and Every Private Man for his Neglect or Refusal shall Forfeit the Sum of Twenty five Pounds.

PROVIDED always That nothing in this Act contained shall Extend or be construed to Extend, To the Members of his Majesties Council, The Clerk of the Council or his Deputy, or their Domestick Servants any thing Contained in this Act to the Contrary Notwithstanding.

AND be it further Enacted by the Same Authority That no Person that Dwells and resides in the City of New York, Shall be Exempted from bearing Arms by any Civil or Military Commission He shall be Possessed of for any of the Counties of this Colony Except the Person or his Father has an Estate in fee Simple in the said County, and all Commissions That have heretofore been granted on Purpose to Exempt Such Persons from bearing Arms, and all other Commissions granted at Large to Persons in any of the Cities & Counties of this Colony which do not confine Them to any Particular Corps are hereby Declared Null & void to all Intents and Purposes whatsoever and Every Person claiming Exemption by Commission shall produce the same and be Obligated to appear and do his Duty in the Place where he Resides, as if no Such Commission had been granted or shall take the following Oath (which Oath the Officer within whose Beat the person so claiming Exemption Inhabits is hereby Impowered to Administer) vizt. I A B. do swear that my Commission was not obtained with Intent to screen me from Ordinary Duty in the Militia, nor have I been superceded therein by my own Consent, so Help me God, any Law, usage, or Custom to the Contrary notwithstanding.

AND be it further Enacted by the Same authority that in case of an Actual Invasion Every Person able to bear arms that shall Leave the City or Place Invaded, without the order of the Commanding officer for the time being Shall Suffer the Pains of Death by being Shott at the head of the Company to which he belongs, and if he be an officer He shall be Shott at the head of the Regiment being first duly Convicted by a Court Martial

AND be it further Enacted by the Authority aforesaid that whenever it shall be FOUND Necessary to Constitute & appoint a Court Martial in any of the Regiments of this Colony, The Colonel shall return himself and the next Commanding officer of the Regiment and Twenty four other officers of his Regiment



not under the Degree of Commission officers, To the Governour or Commander in chief for the Time being, who shall Commissionate under the Broad Seal of this Colony, Thirteen out of the said Twenty Six, To be a Court Martial, a field officers always to be one, which field officer shall be President of the Court, and Such Court Martial shall have Power and Authority to Administer an oath to any Witness in order to the Examination or Tryal of any of the offences that shall come before them Provided always, That in all Tryals by a Court Martial by virtue of this Act, Every officer present at such Tryal, before any Proceedings be had thereupon, shall take an oath upon the Holy Evangelists before one of the Judges of the Supreme Court, or one of the Judges of the Inferiour Courts of Common Pleas in the Several Counties where the Courts Martial are held, who are hereby authorized to Administer the Same in these words, That is to Say.

I, A. B do swear that I will duly administer Justice according to Evidence & to the Direction of the Act, Intituled an Act for the Regulating the Militia of this Colony, without Partiality, Favour or affection. and I do further Swear, That I will not divulge the Sentence of the Court until it shall be approved by his Excellency the Governour, or Commander in Chief for the Time being, Neither will I upon any Account at any Time whatsoever disclose or Discover the Vote, or Opinion of any Particular Member of the Court Martial, so help me God.

AND no Sentence of Death Shall be given against any offender or any other Sentence, But by the Concurrence of the Major part so Sworn, which Major part Shall not be Less than Nine & not otherwise, and no Sentence against any Delinquents Shall be put in Execution until Report be made of the whole Proceedings to the Governour or Commander in Chief for the Time being and his Directions Signified thereupon.

AND be it further Enacted by the Authority aforesaid That Every Captain of a Troop or Company who shall fail to appear at any Muster or Musters hereafter to be appointed or appearing fail or Neglect to Exercise the Troop or Company under his Command, Every Such Captain for Every Such neglect & default shall Forfeit the Sum of Five pounds and Every Lieutenant Cornel or Ensign who shall at any time hereafter fail to appear at any Such Muster or appearing shall not perform his Duty thereat, shall Forfeit & pay the Sum of Three pounds

BE it Enacted by the authority aforesaid that in case the Several Fines, Penalties & Forfeitures in this Act mentioned That do not Exceed the Sum of Twenty Shillings, Shall not be paid upon Demand, the Same shall be Levied Recovered & disposed of as followeth, That is to Say That all Such Forfeitures as do relate to any Person under the Degree of a Captain, Shall be Judged and taken by the Respective Captains To Defray the Charges of their Troops and Companies, and be Lvyed before the next Exercising Day, by Distress and sale of the offenders goods by Warrant from the Captain, or next Commanding officer, Directed to the Serjeant or Corporal of the Company, wherein the said Offence was committed. But if the offender be a Servant or under his Parents care then and in Such Case, the Masters or Parents Goods Shall be Liable to Such Distress and Sale as aforesaid til Satisfaction be made, and if any Serjeant or Corporal Shall Refuse to Execute Such Warrant so to him Directed, Such Serjeant or Corporal, Shall for Every Such offence Forfeit for the uses above Mentioned, The Sum of Forty Shillings, to be Levied in manner before Expressed, by Such other officer, Serjeant or Corporal as Such Warrant shall be Directed to, and for all other Penalties & Forfeitures in this act Mentioned, as do Relate to any Person under the Degree of a Colonel, the Same shall be Levied by distress and Sale of the offenders goods by Warrant from the Colonel or the next field officer where Such offenders are, and all such Penalties and Forfeitures as do Relate to a Colonel, the Same shall be LEVYED by Distress and Sale of the offenders Goods, by Warrant from the Captain General or Commander in Chief for the Time being, which Forfeitures Shall be Applied towards Purchasing Arms for the use and Benefit of the Regiment in the Citties or Counties where the offence is Committed, and the Serjeants Corporals or Clerk of the Regiment are to Reserve to Themselves out of Each Distress, over and above the fine or Forfeiture the Sum of Three Shillings, for Executing each Warrant from their Captain or other Superior officer which warrant and the Execution thereof by the Person to whom Directed, Shall be good in Law, and of Full force and Virtue to and for the Purposes in this Act Mentioned

AND be it further Enacted by the Same Authority, That in case no goods be found on which to Levy the Distress for the Several Fines and Forfeitures by this Act Incurred, The

person offending shall be Committed to the County Goal, and the Sheriff of the City or County where the Forfeiture is Incurred, is hereby Impowered and Required to receive the Body of all Such Delinquents as shall be brought to him by virtue of a Warrant or Warrants under the hand and Seal of Such officer as aforesaid, and him or Them to keep in Safe Custody until Such Fines and fees mentioned in Such Warrant are paid, and it is hereby Declared that Such Sheriff Shall in all Such Cases be Intituled to the Same Fees as are allowed in all other Cases.

AND be it further Enacted by the authority aforesaid, That all the Commission officers of the Regiment of New York, The Commission officers of the Independant Companies of Militia, and the Commission officers of the Artillery Company, and all Military Commission officers and all Civil officers, Dwelling in the City of New York, Shall wear their Swords Every Sunday During Divine Service, under the Penalty of Twenty Shillings for Every Such Neglect, to be Recovered before the Mayor, Recorder or any ONE of the Aldermen of the said City to be applyed one half thereof to the Person or Persons who shall Sue for the Same, The other half to the use of the Poor of the said City.

AND be it further Enacted by the authority aforesaid, That if any Naval Force, Should make any Attempt upon the City of New York and there should not be a Sufficient Quantity of Gun Powder belonging to the Government, for the use and Defence of the Same, There Shall be Immediately Impressed by the Commander in Chief for the Time being or by the field officers of the Regiment of the City of New York for the Time being So much Powder as upon Such an Event may be Requisite and Necessary to make a Vigorous Defence and Such Part thereof as upon Such an Emergency, Shall be Expended the General Assembly, Shall and will provide, ways and means fully to Pay for the Same at the then Current Price.

BE it further Enacted by the Authority aforesaid That in case of an Alarm or actual Invasion, the field officers in the City of New York or the Major part of Them, by order from the Governour, or Commander in Chief, may and Shall order and Direct, Each & Every Inhabitant of the said City being Master or owner of a Negro, Indian or Mulatto able Man Slave, to deliver up to the officer appointed, or to the the Place directed for the Rendezvous, One Such Slave to be Employed at the Artillery of



the Several Fortifications in the said City, under the Direction of the proper officer or officers, or in any such manner as shall be directed by the Governour or Commander in Chief for the time being by and with the advice & Consent of His Majesties Council, and in case any Inhabitant shall Neglect or Refuse to deliver up, or Send Such Slave in manner as aforesaid, He, She, or they Shall Forfeit & Pay the Sum of Forty Pounds Currant money of this Colony, and in case any Such Slave or Slaves Shall be Killed or altogether Rendered unable for Service on Such Invasion, There shall be paid to the Owner thereof, the Sum of Twenty Pounds currant money of this Colony, out of Such money as Shall be hereafter raised by Act or Acts to be Passed for that Purpose

AND be it Enacted by the Authority aforesaid, That if any Person or Persons Shall be Sued, Molested or Impleaded for any matter or thing Lawfully done & Commanded in the Execution & Performance of this Act, He or They Shall plead the general Issue, and give this act in Evidence, and if the Plaintiff discontinue his Action be Non Suited or verdict pass against him, The Defendant Shall recover Treble costs, nor Shall any Suit or Suits be admitted or Allowed to be brought, unless it be done within Three months next after the offence is Committed.

AND WHEREAS many persons have of late made it a practice to lay Boards Masts, & other Timber within the Inclosure of the Fortification on Copsey Battery, and to square and work the same there to the great Incumbrance and Annoyance thereof, as well as hazard & danger, which is likely to arise therefrom to the Store house & other Buildings thereon erected, by Accidents from Fire Be it therefore ENACTED by the Authority aforesaid That if from and after the publication of this Act any person or persons shall lay any Boards Masts or other Timber on any part within the Inclosure of the Fortification aforesaid out of the Bason thereof or work & manufacture the same there, or any of them the person or persons so laying working squaring or manufacturing shall forfeit and pay the Sum of 40s, for every such offence to be recovered before the Mayor, Recorder or any one of the Aldermen of the City of New York upon the Oath of one or more Credible Witnesses; One half thereof to be paid and applyed to the person or persons who shall prosecute & Sue for the same, and the other half to the use of the poor of the said city to be Levyed by Distress & Sale of the Offenders Goods and Chattles, and in Case such Boards masts or Timber

or the Shavings occasioned by the manufacturing thereof Shall not be thence removed within two days after the conviction of any Offender or Offenders in the Premises It shall & may be lawful for the Head Gunner belonging to the Said Battery to Cause such Boards Masts or other Timber to be removed and detain the same in his Custody until the Owner or Owners thereof shall pay the further Sum of Forty Shillings to the said Head Gunner together with the Costs & Expences incurred by reason of removing the same.

AND be it Enacted by the Authority aforesaid, That the Act Intituled an Act for the better Regulating the Militia of this Colony passed in the Eighteenth year of his present Majesties Reign, Shall be and hereby is Repealed and Every Article, Clause and thing therein Contained.

AND be it Enacted by the Authority aforesaid that this Act Shall be of Force from the Publication hereof, to the first Day of December which will be in the year of our Lord, One Thousand Seven Hundred and Forty Six.

#### [CHAPTER 817.]

[Chapter 817 of Livingston & Smith and Van Schaack, where the title only is printed. For note in reference to the date of the enactment of this law, see note to chapter 816. Amended by chapter 822. Prolonged by chapter 823.]

[An Act Raising the Sum of Three Thousand Three Hundred and Seventy Five Pounds by a Publick Lottery for this Colony for the more Effectual Fortifying the City of New York.

[Passed, February 27, 1746.]

WHEREAS by Reason of the present WAR the Necessity of this Colony is Such, That it Requires large Sums of money to be Raised for the Publick Service, And the City of New York Requiring Some more Fortifications and Additions to those already Erected, To the End therefore that the Sum of Three Thousand, Three Hundred & Seventy five Pounds current money of this Colony, may be Raised for that Purpose by way of Lottery.

BE IT ENACTED by his Excellency the Governour the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, That a Lottery be Erected within

Justices of the said Court, shall be Adjudged, to be Sued for & Recovered by the Person or Persons agrieved thereby.

[CHAPTER 843.]

[Chapter 843 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 814. Continued by chapter 849.]

See also original      An Act to Continue an Act, Entituled an  
pp. 622, 623.      Act, for Regulating the Militia of this Colony,  
with an Addition Thereto.

[Passed, December 6, 1746.]

WHEREAS an Act Entituled an Act for Regulating the Militia of this Colony, will Expire by its own Limitation the first Day of December in this Present year of our Lord, one Thousand Seven Hundred & Forty Six, And for as much as it is highly Necessary to have the Militia of this Colony under Proper Regulations.

Be it Therefore Enacted by his Excellency the Governour, the Council & the General Assembly, and it is hereby Enacted by the Authority of the same That the above mentioned Act, shall be and hereby is continued until the first Day of December which will be in the Year of our Lord, One Thousand Seven Hundred & Forty Seven.

AND WHEREAS in the City & County of New York there is now no Troop of Horse Subsisting, And Several Persons under Colour & pretence of being Listed in the Troop, have denyed to Perform any Military Service in the said City & County, BE it Enacted by the Authority aforesaid, That until the Troop of Horse Shall be Formed, all such Persons (Those Excepted who have heretofore actually Served in the Troop of Horse of New York, when the said Troop was Subsisting) Shall be obliged to Appear with their Muskets Cartouch Boxes & other Accoutrements, as Foot Soldiers under the Captain of the Ward or Beat where they dwell and Reside & be obliged to, Perform the Like Service under the like Fines & Forfeitures as the Foot Soldiers in the Militia are Liable to in the aforesaid Act, any Thing therein to the contrary notwithstanding.

AND be it Enacted by the Authority aforesaid, That all Persons within the City & County of New York, able to bear Arms, who have borne Commissions, Either in the Civil or Military way, or are Exempted by the Act aforesaid (Ministers of the Gospel, Physitions & Surgeons Excepted) Shall in case of a General Alarm or Invasion be obliged to Repair well



Armed & Equiped to the Place to be appointed, in the said City & County, by such officer or officers as the Governour or commander in chief for the Time being shall Commissionate & appoint, in the Several & Respective Places Aforesaid to command Them, But if the Governour or Commander in chief for the time being should not think Proper to Commissionate officers to command Them, In that case They shall be obliged to appear under the Captains of the Several Wards or beats where They Dwell & Reside, and if they neglect or Refuse to appear at the Place appointed in Time of Such Alarm, or Invasion Every Person so Refusing, Neglecting or Absenting himself, Shall for every Such Offence Forfeit the Sum of Fifty Pounds.

AND be it further Enacted by the Same Authority That all commission Officers of the Regiment of New York, the commission officers of the Independent companies of Militia, and the Commission officers of the Artillery Company, and all Military Commission Officers, and all Civil officers, Dwelling in the City of New York, Shall wear their Swords Every Sunday During Divine Service, under the Penalty of Twenty Shillings, for every Such Neglect, To be Recovered from the Military officers before the Collonel or next Commanding officer, And from the Civil officers before the Mayor, Recorder, or any one of the Aldermen of the said City, which Fines of the Military officers, Shall be applyed, for the Purchasing of Arms for the Militia, And of the Civil officers, Shall be paid into the hands of the Church Wardens, for the use of the Poor, any thing in the before Mentioned Act to the Contrary hereof notwithstanding.

AND be it further Enacted by the Authority aforesaid, that whenever it shall be found Necessary to keep a Military Watch within the Town of Kingston in Ulster County, Every Person within the said Town able to bear Arms (Ministers of the Gospel, Physitions and Surgeons Excepted) not being under the Immediate command of the officers of the Militia Regiment, Shall whenever there Shall be a Militia watch, kept within the said Town, be obliged to keep their Watch in their Turns, with the Militia, and shall appear & be under the Command of Such officer or officers as Shall be Directed by the Field officers of the Regiment, and upon Failure be Lyable to the Same Fines and Forfeitures for Every Neglect, as the Militia are in the Act aforesaid

AND whereas upon certain Emergencies, it may be found necessary, To keep Military Watch & Ward in Some other

part or parts of this Colony, Be it Enacted by the Authority aforesaid, That where ever Such Emergencies Shall make it necessary to keep a Military Watch in any of the Cities and Counties of this Colony, ALL Persons able to bear Arms whether belonging to the Militia, or not, Shall appear in their own Persons, Unless They can give a Sufficient Reason for Excuse to the commanding officer of such Watch or Guard, who shall then have it in his Power to give Leave to Send a Sufficient Person in his or their Room, living within the said Cities & Counties (Ministers of the Gospel, Physitions & Surgeons only Excepted) and shall in their Turns upon due warning be obliged to Serve upon Such Military Watch according To the Order & Direction of the Captain General or commander in chief for the Time being, or the Collonel of the Regiment, or next commanding officer in Every City & County of this Colony, on Penalty of Twelve Shillings for Every Default or Neglect, To be Recovered, From Every Such Defaulter or Defaulters & upon Non Payment thereof to be Levy'd by Distress, upon his or their Goods & Chattels, in like Manner, as other Fines by the Act aforesaid are directed to be Destrained for, the City & County of Albany Excepted.

AND be it Enacted by the Same Authority, that the Clause in the Act aforesaid, concerning the keeping of Military Watches, as Far as it Relates to keeping of Military Watches, Shall be & hereby is Repealed to all Intents & Purposes, any thing in the said Act to the Contrary notwithstanding.

#### [CHAPTER 844.]

[Chapter 844 of Livingston & Smith and Van Schaack, where the title only is printed.]

An Act for Naturalizing Mathien Thomas, Nicolas Tesson, Marie Tesson, Jean Piere Lebrieur, Charle Jullian, Francois Blanchard Moise Audier, Philip Grim, Jacob Christopher Forster, Peter Grim, Leonarat Riegeler, Johanes Van Dyck, Adam Ebert, Johanes Jurriaanse, William Braambos, Willemina Braambos, William Braambos Jun'r, John Garde & John George Cook.

[Passed, December 6, 1743.]

WHEREAS the above named Mathien Thomas, Nicolas Tesson, Marie Tesson, Jean Piere Lebrieur, Charle Jullian, Francois

## [CHAPTER 849]

[Chapter 849 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 843. Expired December 1, 1748.]

An Act further to continue an Act Entituled an Act for Regulating the Militia of this Colony.

[Passed, September 22, 1747.]

WHEREAS an Act Entituled an Act for Regulating the Militia of this Colony Pass'd in the nineteenth year of his Majesties Reign has by a Subsequent Act been continued to the first day of December next.

BE IT ENACTED by his Excellency the Governour, the Council, & the General Assembly, and it is hereby enacted by the Authority of the Same, That the above mentioned Act, Entituled an Act for Regulating the Militia of this Colony, as also the said Subsequent Act, Entituled an Act, to continue an Act, Entituled an Act for Regulating the Militia of this Colony, with an Addition thereto, Shall be & hereby are further continued, until the first Day of December which will be in the year of our Lord one Thousand Seven Hundred and Forty Eight.

## [CHAPTER 850]

[Chapter 850 of Livingston & Smith and Van Schaack, where the title only is printed. See chapter 830. Expired December 1, 1748.]

An Act further to Continue an Act Entituled an Act to prevent Desertion of his Majesties Forces in this Colony.

[Passed, September 22, 1747.]

BE IT ENACTED by his Excellency the Governour, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the Same, That an Act Entituled an Act to prevent Desertion of his Majesties Forces in this Colony, Passed in the Nineteenth year of his Majesties Reign, and by a Subsequent Act continued until the first day of December next, Shall be & hereby is further continued, and every Clause, Article, Matter & thing therein Contained Enacted to be, and Remain of Full force and virtue, to all Intents constructions, & Pur-



good and Effectual as if all the Assessors Chosen Elected and Qualified as Aforesaid had Joined therein

AND be it further Enacted by the Authority Aforesaid that if there be any Landed Estates lying within any of the Said Towns or Manors whereon no Persons are Resident and no moveable Effects thereon whereof distress can be Made then it Shall be lawfull for the Collector or Collectors of Such Town or Manor wherein Such landed Estates do so lie And they are hereby Impowered and Authorized to Enter on Such Lands and Cut and carry off So much of the Timber or Grass growing or being thereon as will be Sufficient to Pay what the Said Estate or Estates is or Shall be Rated at with all Costs and Charges Arising thereon Any Law Usage or Custom to the Contrary Notwithstanding

[CHAPTER 947.]

[Chapter 947 of Van Schaack, and chapter 26 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 674. Continued and modified by chapter 963.]

An Act to revive An Act entituled An Act  
to Regulate the Militia of this Colony.

[Passed, December 12, 1753.]

WHEREAS An ACT entituled an Act to regulate the Militia of this Colony passed in the thirteenth Year of his present Majestys Reign was continued by several Subsequent Acts which are long since expired.

AND WHEREAS a due and proper Regulation of the Militia of this Colony tends not only to the security and Defence thereof but likewise to the Honour and Service of his Majesty which makes it Highly necessary to provide for the same.

BE IT THEREFORE ENACTED by his Honour the Lieutenant Governour the Council and the General Assembly And it is hereby Enacted by the Authority of the same That the above mentioned Act Entituled An Act to Regulate the Militia of this Colony shall be and hereby is Revived and every Clause Article matter and thing therein Contained Reenacted and Shall be and Remain in full force and Virtue to all intents Constructions and purposes whatsoever from the Publication hereof until the first day of January which will be in the Year of Our Lord one thousand Seven hundred and fifty five. And from thence until the end of the then next Session of the General Assembly..

seem fitting Any thing herein Contained to the Contrary Notwithstanding. This Act to be in force from the Publication thereof until the first day of January which will be in the year of our Lord One thousand seven hundred and fifty Eight and from thence to the End of the then next session of the General Assembly.

## [CHAPTER 963.]

[Chapter 963 of Van Schaack, and chapter 42 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 674 and 958. Repealed by chapter 972.]

An Act to Continue an Act Entituled An Act to Regulate the Militia of this Colony with an Alteration thereto.

[Passed, December 7, 1754.]

WHEREAS An Act Entituled An Act to Regulate the Militia of this Colony passed in the Thirteenth Year of his Present Majesty's Reign was Revived in the Twenty Seventh Year of his Majesty's Reign Which was to continue to the first day of January One thousand Seven hundred and Fifty five and from thence untill the End of the then next Session of the General Assembly and Whereas a due and proper Regulation of the Militia of this Colony tends not only to the Security and defence thereof but likewise to the Honour and Service of his Majesty Which makes it nightly Necessary to provide for and Continue the Same BE IT THEREFORE Enacted by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that the Above mentioned Act Entituled An Act to Regulate the Militia of this Colony Shall be and hereby is Continued And every Clause Article Matter and thing therein Contained ReEnacted and Shall be and Remain in full force and Virtue to all Intents Constructions and purposes Whatsoever to the first Day of January which will be in the Year of our Lord One thousand Seven hundred and Fifty Six.

PROVIDED always that whereas in and by the aforesaid Act Passed in the Thirteenth Year of his Majesty's Reign it is declared that the Dress of the Troopers of the City of New York when they appear in Arms Shall be Red It is hereby Enacted by the Authority Aforesaid that the Dress of the Said Troopers when they appear under Arms Shall be Blue Any thing in the Said Act to the Contrary Notwithstanding.

General Assembly and it is hereby Enacted by the Authority of the Same That for discouraging Restraining and Detecting Such dangerous and Pernicious Trade as far as Possible in this time of Eminent danger His Honour the Lieutenant Governor or the Commander in Chief for the time being by and with the advice and Consent of his Majesties Council shall be and is hereby fully impowered and Authorized by Proclamation or other Publick Authority to forbid Restrain and as much as may be prevent Such Dangerous and Pernicious Trade and Commerce with the French by laying Such Reasonable penalties Fines and Restrictions on the owners Factors Freighters and Masters of Vessels aseing Such Trade or otherwise offending in the Premises as Shall be thought just Reasonable and Expedient and as the nature and Circumstances of the Case may Require And also to discover detect and bring to Justice the offender or offenders and to Commit to Prison any Master or Comander of any Ship or Vessell owner Factor freighter Mariner or any other Person or Persons who upon Reasonable Command or Request Shall Refuse or Neglect to appear Swear and give Testimony concerning the same untill he She or they Shall Swear and give Such Testimony all which Penalty's Shall and may be Sued for and Recovered in any Court of Record within this Colony by the Informer or Informers who may Sue and Prosecute for the Same for their own use as an Encouragement to give Such Information

THIS act to Continue in force for the Space of Four Months after the Publication thereof and no longer

See also original p. 1052.

#### [CHAPTER 972.]

[Chapter 972, of Van Schaack, where the title only is printed. Chapter 51 vol. 2; of Livingston & Smith, where the act is printed in full. Continued by chapter 996. Acts repealed by this chapter are chapters 674 and 963.]

#### An Act for Regulating the MILITIA of the Colony of New York.

[Passed, February 19, 1755

WHEREAS a due and proper Regulation of the Militia of this Colony, tends not only to the security and Defence thereof, but likewise to the Honour and Service of his Majesty.

195. N. Y.—*General Assembly; Col. Laws, Vol. 3, Lyncn, 1894; Act, Feb. 19, 1755, pp. 1051-1071.*



BE IT THEREFORE ENACTED by His Honour the Lieutenant Governor, the Council, and the General Assembly, AND it is hereby ENACTED By the Authority of the same, That every person inhabiting this Colony, from sixteen years to the age of sixty years, shall inlist himself with the Captain or next Commanding Officer, either of the Troop or Horse, or the Company of Foot, in the City Town Borough Manor or precinct where such Person shall reside or sojourn, under penalty of Forty shillings for every three Months such person shall remain not inlisted. And all Captains of Troops of Horse, and of Companies of Foot, within this Colony, are Commanded to take due care to inlist such persons accordingly. And in case of any dispute concerning the age of any person, the same shall be determined by the officer before whom such dispute shall happen, by the Oath of the person whose age is in Question, or the oath of his Parent or some other Credible Witness, which oath the said officer is hereby empowered to Administer, and to determine accordingly.

AND BE IT ENACTED by the Authority aforesaid, That the Colonels or Commanding officers of all Regiments Troops or unregimented Companies, shall at least once a year, issue their Warrants to their Inferior officers, directing him or them to make diligent enquiry in their respective Districts, that all Persons be duly inlisted Armed and Equipped, and to return to them the Names of the Defaulters, to the end they may be punished according to this Act. And the Colonel or other officer neglecting his duty herein, shall forfeit the sum of Five pounds for every such neglect or Omission.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that once a year at least, or oftener if occasion requires, and Command be Given by the Colonel, and in his absence by the next Commanding officer of the respective Regiments, the several Companies in each Regiment, and the Troops of Horse and Independant Companies of the several Cities and Counties, shall meet at such place or places therein, as shall be appointed by the Colonel, or in his absence by the NEXT Commanding officer, to be then and there Mustered and Exercised; and every Troop and Company shall be duly mustered and exercised by their respective Captains, or next Commanding officer, at least four times in every year, and so often as the Governor or Commander in chief shall appoint.

AND BE IT ENACTED That every Soldier belonging to the Companies of Foot shall appear and be provided with a well fixed Musket or Fuzee, a good Sword, Belt, a Cartouch Box filled with nine Cartridges of powder, and nine sizeable Bullets, under the penalty of five Shillings for a Musket or Fuzee not well fixed, and one Shilling for the want of every Sword, Belt, Cartouch Box, Cartridge or Bullet; the whole penalty for the Default of one Person for one day not to exceed twenty shillings and the sufficiency of the Musket or Fuzee, Sword, Belt, or Cartouch Box, to be judged of and determined by the Captain or next Commanding officer. AND every Foot Soldier or Trooper shall at his Habitation or place of abode, have one pound of good Gunpowder, and three pounds of sizeable Bullets, upon penalty of Ten Shillings for each Soldier; and if any foot Soldier or Trooper shall refuse to shew his Captain, or the officer or Person sent by him, all or any of the Equipage, - urniture, or ammunition, herein mentioned; he shall be deemed to be unprovided therewith, and shall be fined accordingly

BE IT ALSO ENACTED that every soldier belonging to the Horse, while on duty, shall be provided with a good serviceable Horse, not less than fourteen hands High, with a good saddle Holsters, Housing, Breast Plate, and Crupper, a case of good Pistols, a good Sword, or hanger, half a pound of Gun powder, and twelve sizeable Bullets, a pair of Boots with suitable Spurs, and a Carabine well fixed, with a good Belt swivel and Bucket, under the petnalty of ten shillings for want of a sizeable Horse, and the penalty of five shillings for want of each or either of the Articles of the Troopers Furniture. And the Troopers in the City and County of New York shall be Cloathed with a Blue Coat and Breeches, with Yellow mettal buttons, and a scarlet Waistcoat, and their hatts Laced with Gold Lace. And the Troopers for the City and County of Albany shall be Cloathed with blue Coats, and their Hatts shall be laced with silver Lace, under the penalty of five shillings for the want of every Article of such Cloathing. The whole penalty on a Trooper for the Defaults of one day not to exceed the Sum of Forty Shillings.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Colonel, or in his absence the next Commanding Officer of each Respective Regiment, who shall fail to draw out and Muster the same together, once in every year, or when Com-manded so to do by the Governor or Commander in chief for the

time being, shall forfeit for every Offence the sum of Twenty pounds; and every Captain of a Troop, or Company, who shall fail to appear as directed by this Act, or appearing, fail or neglect to exercise the Troop or Company under his Command; every such Captain for every such default or neglect shall forfeit the sum of five pounds; and every Lieutenant Cornet or Ensign who shall not appear at such times, or appearing shall not perform his duty, shall forfeit and pay the sum of three pounds.

AND BE IT ALSO ENACTED That if any person Inlisted to serve either in Horse or Foot, shall neglect to appear at such times as are by this Act directed, or appearing under Arms, shall refuse or neglect to perform such Military duty, as shall be required of him, or shall depart from his Colours or Guard without leave from the proper Officer, he shall forfeit the sum of twenty Shillings.

AND TO THE END there may be a constant supply of Troopers in each City and County within this Colony where there are Troops of Horse, BE IT ENACTED That in case of deficiency in the number of any Troop, and the same cannot be supplied by Volunteers, the Captain or in his absence the next Commanding officer of such Troop shall under his hand Certify to the Colonel or in his absence to the the next Commanding officer of the Regiment where such deficiency shall happen, how many Troopers are wanting in such Troop, who shall thereupon Nominate out of the said Regiment the number so wanting. PROVIDED the person or persons so Nominated be a Freeholder, and not under the age of twenty one years; except in the City of New York, where persons may be Nominated though they are not Freeholders. And the person or persons so Nominated Shall with in the space of two Months thereafter, inlist in such Troop; or refusing or neglecting so to do, shall respectively forfeit the Sum of Ten pounds; on payment whereof such person shall not be liable to any further forfeiture respecting the Troop, but shall nevertheless be subject to serve in the Foot, as if no such Nomination had ever been made.

AND BE IT ENACTED by the Authority aforesaid, that no person or persons being thereunto required by their Captain or next Commanding Officer, shall refuse or neglect to serve as Serjeant or Corporal in any Troop or Company under the penalty of Forty Shillings. And in case any Serjeant or Corporal shall refuse or neglect to warn the people to appear under Arms,



when required by his Captain or next Commanding officer, he shall for every such neglect or Refusal forfeit twenty Shillings.

BE IT FURTHER ENACTED That all Captains of Troops of Horse and Companies of Foot, shall at their own Charge provide for their Troops and Companies respectively, Drums and Trumpets, Colours and Banners, and Drummers and Trumpeters under the penalty of six Pounds; and for every Month such Captain shall remain unprovided therewith, the Sum of Three pounds, And all Drummers and Trumpeters in service, shall serve for the annual Salary of forty shillings, finding their own Trumpet or Drum; and twenty Shillings if the Captain do provide the Trumpet or Drum; and each Drummer or Trumpeter refusing to serve as such shall forfeit forty shillings.

AND BE IT ALSO ENACTED by the Authority aforesaid that once every year, the Captains or in their absence the next Commanding Officer of every Troop or Company, whether Regimented or Independent, shall deliver to the Colonel or in his absence to the next Commanding officer of the Regiment for the City or County where such Troops or Companies are or may be, a true and Complete Roll under his or their hands, containing the names of all the persons belonging to, and inlisted in their respective Troops or Companies under the penalty of Five pounds for every neglect or Omission. And the said Colonels, or the next Commanding Officer of the respective Regiments, shall within one Month after the Receipt of every such Roll, deliver or send the same, (keeping a copy of every such Roll) to the Commander in Chief for the time being, under the like penalty.

BE IT ENACTED That no Commission Officer either of Companies of Foot or Troops of Horse, whether Regimented or Unregimented, or any Trooper of the Cities of New York or Albany, shall be Subject or liable to serve in the office of Constable, if chosen while he is such: any Law usage or custom to the contrary notwithstanding.

AND to the end Articles of War may be established within this Colony. BE IT FURTHER ENACTED, that the Field officers of the several Regiments shall be summoned to meet for that purpose at the time and place to be expressed in such summons. And if at any Meeting or Meetings in consequence thereof, there shall be one Field officer at the least from each Respective Regiment in this Colony, such Articles as the Governor or Commander in Chief shall establish with the consent of a Majority,

of the Field officers so met, shall by virtue of this Act have full force and effect for the punishment of all offenders against the said Articles or any thing therein contained. PROVIDED such punishment be by fine or Imprisonment only, or both: and every Field Officer so summoned, who shall without reasonable Cause, neglect or Refuse to appear accordingly, shall forfeit the Sum of twenty pounds. AND all officers and Soldiers of the Militia, Horse, or Foot, within this Colony, during such time as they or any of them are under Arms in the Field, or upon Watch and Ward; or other duty, shall and each and every of them shall, observe and keep all and every the articles of War so established, and shall pay due obedience to his or their Superior officer or Officers, and all his or their lawfull Commands Which articles of War when so established, shall be printed by the publick printer, And the respective Captains shall provide themselves with Copies thereof, and cause them to be publickly read to their respective Companies while under Arms, at least four times in every year; to the End all persons so inlisted, may the better know and understand their several duties, and if any officer or Soldier shall at any time whatsoever, whether under Arms upon duty or otherwise maliciously abuse affront or take Revenge, or endeavour by force to take revenge, for any matter or thing by his or their Superior officer lawfully done in pursuance of his or their duty, or of any thing contained in this Act, the said Officer or Soldier shall be brought before a Court Martial, and shall be tryed for the same according to the true intent and meaning of such Articles of War.

AND BE IT ALSO ENACTED By the Authority aforesaid, That there shall be Beacons forthwith Erected at the following places, that is to say, One on the Western part of Rockway. One other at the Narrows on the Island Nassau; One other at the point opposite thereto, on Staten Island; and one other upon Mr. Kennedy's Island: each of which Beacons shall be made of twelve or a greater Number of poles set in the Ground at proper Distances asunder, and a pitch Barrel on each pole: and the respective persons living nearest to the same, shall upon seeing the Beacon which may be erected near Sandy Hook, or other place, on Fire, or upon the appearance of six or a greater Number of large Ships, which from proper Glasses they may judge to be ships of War, set fire to a like number of such pitch Barrells; and at every of the said places where Beacons

are appointed to be erected, there shall be Lodged a Cannon or Great Gun, with a sufficient quantity of Gun powder, and immediately after the said Beacons shall be so set on fire, such Gun shall be discharged from each Beacon, once for every large Ship that appears in sight. And at all times when the Governor or Commander in Chief shall order and appoint a Guard to be kept at the said Beacons any or either of them (except the Beacon upon Mr Kennedy's Island) the respective Colonels, or in their absence the next commanding officer, of the Regiments in the Counties where such Beacons are erected, shall cause such a Guard or Watch to be kept, and by such Detachments of Men from their respective Regiments, as shall be so ordered and appointed: and the persons duly warned for that purpose, and not appearing, or not performing that service, or sending a Sufficient person in their Room, shall severally forfeit the Sum of Forty Shillings; and the Colonel or next Commanding officer neglecting his duty herein, shall be subject to the penalty of Fifty pounds. And every of the persons who shall have the Charge and care of such Beacons, at the time of such Watching and Guard as aforesaid, and shall neglect, in the cases before mentioned, to fire the same, and to discharge the Great Gun in manner aforesaid, shall forfeit twenty pounds. And the charge of Erecting the said Beacons and of such other Beacons as the Governor or Commander in Chief, with the advice of his Majesty's Council, shall direct and order to be Erected at any other place or places within this Colony, for the spreading an Alarm through the same, and to the Neighbouring Colonies of New Jersey and Connecticut, and the expence of carrying and Transporting Cannon to such places, and of the Gun powder to be Lodged there, shall be borne and defrayed by the publick, and paid from time to time on Warrants drawn by the Governor or Commander in Chief with the advice and consent of the Council, on the Treasurer of this Colony, who is hereby required and directed forthwith to discharge the same, out of any money in the Treasury appropriated for Contingent Services.

AND BE IT FURTHER ENACTED By the Authority aforesaid, that in case of an Alarm, every Soldier upon notice thereof, is immediately to Repair Armed to his Colours or parade, on penalty of twenty five pounds, which parade shall be understood to be the Habitation of his Captain, unless it shall be otherwise



ordered and appointed. AND for the prevention of false alarms, no Captain, Master, or Commander of any Ship or Vessel riding at Anchor in any of the Rivers Harbours or Bays of this Colony, or any other person, shall fire any Great Gun after eight of the Clock at night under penalty of Forty shillings for every such Gun so fired, to be levied by Warrant from the chief officer of the Regiment next adjoining, not under the Degree of a Captain, who is hereby empowered to have Jurisdiction thereof, and to Administer an Oath, and give Judgment thereupon, and to direct Distress and sale of the offenders Goods, and for want of such Distress the said Chief Officer is empowered to commit such offender to Goal; there to remain until Payment be made of the same: And the Captain Commander or Master of any Vessel, from whence such Gun or Guns shall be fired, shall be deemed and understood to be the offender in this respect, and in case the Chief officer of the Regiment or Captain aforesaid, shall not perform his duty therein, he shall forfeit three pounds to be levied by Warrant from the Governor or Commander in chief for the time being.

AND BE IT ENACTED by the Authority aforesaid, that in case of any Alarm, Invasion Insurrection or Rebellion, every officer of the Militia shall have full power and authority, by virtue of this Act, and is hereby required forthwith to raise the Militia or Company under his Command, and to send immediate intelligence to the Commanding Officers of the Regiment to which he belongs, who also are hereby required and Commanded to send forward the intelligence forthwith to the Commanding officers of the next adjacent Counties, informing him and them at the same time in what manner he intends to proceed, and shall in the mean time keep the Militia under his Command under Arms, until he receives Orders from his Superior Officer: and every commanding officer in every County upon any Alarm or receiving intelligence of any Insurrection Invasion or Rebellion, shall forthwith dispatch an express to the Governor or Commander in chief for the time being, notifying the danger, and shall therewith Signify the strength and motions of the Enemy, and the said Commanding Officer hath hereby full power to impress Boats and hands Men and Horses as the service may require; and shall draw together the Militia of his County, and March them to such place or places, as he shall judge most convenient for opposing the Enemy and to such place or places as

shall be directed by the Governor or Commander in chief for the time being. And every Field Officer that shall neglect or refuse to perform his duty hereby required, shall forfeit the Sum of Five hundred pounds; and every Captain or other Commissioned officer for his neglect or refusal therein, shall forfeit the sum of three hundred pounds: and every noncommissioned Officer or private Man for his neglect or refusal of such duty, shall forfeit the sum of One hundred pounds. And every Commissioned Officer besides paying such forfeiture, shall be degraded, and rendered incapable thereafter, of holding or exercising any office Civil or Military within this Colony.

AND WHEREAS the County of Suffolk is so situated that a Descent may be made on the Eastern part thereof by Water: and the said County being extensive the remote parts which are most exposed, are Generally at a great distance from the Colonel or Commanding Officer of the Regiment, and consequently the waiting for orders from the said Commanding Officer, may greatly expose such remote places to the Ravages of small parties of the Enemy. BE IT THEREFORE ENACTED that the Captains, or next Commanding officer, of the several and respective Companies within the said County, nearest to any place where such descent may happen to be made, shall immediately call together his or their Company or Companies, and forthwith march them towards, and use their utmost endeavours to repell and drive off, the Enemy. And on the first Notice of such Descent, shall dispatch an Express to the Commanding Officer of the Regiment of the said County, with intelligence thereof, and of the Number and Motions of the Enemy, according to the best Information he or they shall have obtained: any thing herein before contained to the contrary, notwithstanding.

AND BE IT ALSO ENACTED by the authority aforesaid. that if any naval force should make any attempt upon the City of New York, and there should not be a sufficient Quantity of Gun powder belonging to the Government for the use and defence of the same, there shall be immediately impressed by the Commander in chief for the time being, or by the Field Officers of the Regiment of the City of New York for the time being, so much Gun-powder as upon such an Event may be requisite and necessary to make a Vigorous defence; and such part thereof as upon such an Emergency, shall be expended, the General Assembly shall and will provide ways and means fully to pay for the same at the then current price.

AND BE IT FURTHER ENACTED by the authority aforesaid, that in case of an Alarm or actual Invasion in the Cities of New York or Albany, or in the Township of Schenectady, the Colonel or next commanding officer, of the respective Regiments there, may and shall order and direct each and every Inhabitant of the said Cities or Township, being Master or Owner of any able Man slave, whether Negro, Indian or Mulato, to deliver up to the Officer appointed, or to the place directed for the Rendezvous, every such Slave to be employed at the Artillery of the several Fortifications in the said Cities or Township respectively, under the direction of the proper officer or officers, or in any such manner as shall be directed by the Governor or Commander in Chief for the time being; and in case any Inhabitant shall neglect or Refuse to deliver up or send any such Slave in manner as aforesaid, he she or they shall forfeit and pay the sum of Forty pounds current money of this Colony; and if any such slave or slaves shall be killed or Disabled in such service, the Value of the said Slave or Slaves shall be ascertained by six Freeholders of the said Cities respectively, and the Mayors Courts of the said Cities respectively are hereby Authorized and empowered to Nominate and appoint such six Freeholders, and to Administer an Oath to each and every of them, well and truly to ascertain the Value of such Slave or Slaves, to the best of their Judgment. And the sum or sums at which such Slave or Slaves shall be so Valued, shall be paid to the owner or Owners thereof, out of such money as shall be hereafter raised by Act or Acts to be passed for that purpose. And if it should be found necessary to order any such Slave or slaves from other parts of this Colony for the Defence of the said Cities, or the Township of Schenectady in case of Alarm or Invasion; The Governor or Commander in chief may direct such a number of them, and from such place or places, as he shall think requisite for such service. And if any person, Owner of such Slave, shall refuse to deliver him to the Officer appointed, such person shall forfeit the Sum of Forty pounds. And in case any such Slave so employed, shall be killed or disabled, the Value of such slave shall be ascertained and the Owner thereof paid in like manner as above in this Clause is directed.

AND BE IT FURTHER ENACTED by the Authority aforesaid that within two Months after the publication of this Act, every Master or Mistress of every Indian, Negro, Mulato, or



other Slave above the Age of fourteen years within this Colony, shall deliver to the Captain of the Company in the respective Districts wherein they reside, a true List of all such Slaves in their Possession both Male and Female; under the penalty of forty shillings. From all which Lists, such Captain shall make a List of the whole number of Slaves so reported to him, distinguishing therein the Sex and number belonging to every Person by name, and shall transmit the same under his hand as soon as may be, to the Governor or Commander in chief, under the penalty of five Pounds. And in case of any Alarm or Invasion, the Captain or other officer commanding the Company, in each respective District, shall (unless it is otherwise provided by order from the Governor or Commander in chief) appoint and leave such proper Detachment of his Company, as he shall judge necessary to Guard against an Insurrection of the Negroes; always observing to appoint for the said Detachment, such Persons who may be best spared from the Company.

AND BE IT ALSO ENACTED by the same Authority That if one or more Negro, Indian, or Mulato slave, or slaves, above the Age of fourteen years within this Colony, shall, in the time of Alarm or Invasion, be found at the distance of one mile or more from the Habitation or Plantation of their respective owners, without a Certificate from their respective Owners signifying the Errand or Business they are sent upon, it shall be adjudged Felony without Benefit of Clergy in such Slave or Slaves, and it shall and may be lawfull for the person or Persons finding such Slave or Slaves, at or beyond the said distance or Limits, to shoot or otherwise destroy such slave or Slaves, without being impeached censured or prosecuted for the same: Any Law usage or custom to the contrary Notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid That if any Person be Wounded or disabled upon any Invasion, or in any other Military service, he shall be taken care of and provided for by the publick, during the time of such Disability.

BE IT FURTHER ENACTED, That all Physicians, Surgeons and Apothecaries, Resident within the Cities of New York and Albany, in case of Invasion and attack by the Enemy, shall respectively attend each respective Troop and Company of the Militia (as occasion may require) with Medicines and Utencils, on such posts as shall be Assigned by the Governor or Commander in Chief for the time being, to take care of the sick

and Wounded; and for their care and Medicines administered to poor Men and servants wounded or sick in the service, they shall be paid and rewarded out of the Publick Treasury of this Colony; And in case any Physician, Surgeon, or Apothecary, Resident as aforesaid, shall Wilfully neglect their attendance upon any such Occasion, the Person or Persons so neglecting shall forfeit the sum of One hundred pounds.

BE IT ALSO ENACTED by the Authority aforesaid, that in case of a General Alarm or Invasion all unregimented or Independent Companies and Troops, shall in the absence of the Governor or Commander in chief, be under the immediate Command and direction of the Colonel, and in his absence the next Field officer of the Regiment of the City or County where such unregimented or Independent Companies or Troops are or may be; any thing herein to the contrary thereof Notwithstanding.

AND BE IT ENACTED by the same Authority that in case of an alarm or Invasion, every Person able to bear Arms that shall leave the City or County invaded, or apparently in danger of being Invaded, without the order of the Commanding officer for the time being or shall refuse to obey the just and legal Orders of his proper officer shall suffer the pains of death, by being shot at the head of the Company to which he belongs; and if he be an officer he shall be shot at the head of the Regiment, being first duly convicted by a Court Martial.

AND WHEREAS upon certain Emergencies it may be necessary to keep Military Watch and Ward in some part or parts of this Colony. BE IT THEREFORE ENACTED by the same Authority, that as often as the Governor or Commander in Chief, by order under his hand, issued by the advice and consent of the Council, shall order and appoint such Military Watch to be kept in any of the Cities or Counties within this Colony, all persons able to bear Arms living within the places or Districts where the said Military Watch is to be kept (Except the persons hereafter Excepted) shall in their turns upon due Warning, be obliged to serve upon such Military Watch, or put a sufficient and well armed Man in their room, under the penalty of twelve Shillings for every default or neglect. And Commissioned Officers in their Turns shall always be obliged to Mount such Guard in person under the penalty of forty Shillings for every neglect: but Captains shall not be compelled to serve in such Military Watch, unless the same consists of a Captain's proper Com-

mand. And upon all sudden Emergencies, in the absence of the Commander in Chief, the Colonel or in his absence the next Commanding Officer of the Regiment of the County, in which such Emergencies may arise, is hereby Authorized and impowered to appoint such Military Watch to be kept in the City, Town, or place he shall judge it to be necessary sending immediate notice thereof to the Governor or Commander in chief, to the end the same may be continued or not as shall be thought expedient. And Defaulters in this case shall be liable to the same Penalty as where such Military Watch is Established by order of the Governor or Commander in chief as aforesaid.

AND BE IT FURTHER ENACTED by the same Authority, that every Military Watch or Guard shall post Centries in such places as the officer of the Guard thinks proper and every Centry that shall leave his post, or fall asleep where he is posted, shall be liable to such Punishment as shall be inflicted by a Court Martial. And every Centry upon the Approach of any person or persons shall Challenge him or them three times distinctly, and if they make no Answer the first, second, or third time, he shall fire upon him or them. And if it should so happen, that he should kill or Wound the person or persons so Challenged, every Centry so Wounding or killing any person or persons as aforesaid, shall not be liable to any punishment any Law usage or Custom to the contrary notwithstanding.

AND for the greater security of the Inhabitants of the City and County of Albany against a Surprise by an Enemy. BE IT ENACTED by the authority aforesaid that one Act of the Legislature of this Colony Entitled (An Act for the Establishing a Military Watch for the City and County of Albany) Passed and Published the third day of May One thousand seven hundred and forty six and one other Act Entitled (An act to continue An Act Entitled An Act for the Establishing a Military Watch for the City and County of Albany with Addition thereto) Passed and published the sixth day of December one thousand seven hundred and forty six; shall be and hereby are revived: and every clause Article and thing in the said two acts contained, are hereby RE ENACTED, and shall continue and remain in full force to all intents constructions and purposes whatsoever during the continuance of this Act; any thing herein before contained to the contrary thereof notwithstanding.

AND BE IT ENACTED That all Commission officers in the Militia of this Colony dwelling either in the Cities of New



York or Albany, or in the Township of Schenectady, shall wear their swords every Sunday during Divine Service, under the Penalty of twenty Shillings for every such neglect to be recovered before the Mayor, Recorder, or any one of the Aldermen of the said Cities or any one Justice of the peace in the said Township respectively, to be applyed one half thereof to the person or Persons who shall sue for the same, and the other half to the use of the poor of the said Cities and Township respectively.

AND WHEREAS by former Acts for Regulating the Militia of this Colony, All Justices of the peace, Coroners, and all other officers of Courts, and School Masters, have been exempted and freed from inlisting in any Troop or Company; which Exemption is thought very unreasonable. BE IT THEREFORE ENACTED That all persons bearing or exercising such offices or employments as aforesaid, and all others heretofore exempted from Military duty, who reside in the Cities of New York and Albany, Township of Schenectady, and Kings County shall immediately after the Publication of this Act be formed into one or more Company or Companies, in such manner as the Governor or Commander in Chief for the time being shall think convenient: and shall appear in all cases of Invasion Alarm or Military Watch, at every General Review or Muster of the Regiment, and so often at other times, as the Governor or Commander in Chief shall order and appoint: And on such Occasions shall be Subject to the like Regulations, pains, penalties, Fines, and Forfeitures, as other Companies of Foot within this Colony are Subject and liable to: And until such Persons are formed into sepearte Companies, they shall be and are hereby obliged to Inlist in some Company of Foot, in the said City. But shall be subject only to such duty, as if actually so formed into Companies: any thing in this Act or any other Act or Ordinance whatsoever to the contrary notwithstanding.

AND BE IT FURTHER ENACTED by the same Authority, that all Persons heretofore exempted as aforesaid, who dwell in other parts of this Colony, shall be either formed into such Companies as aforesaid or inlist in the several Companies in the Districts where they respectively reside, and shall be liable in all cases of Alarm or Invasion to the like Duty that other Persons are subject to by this Act; and at other times shall Only be liable to such Military Duty as the Governor or Com-

mander in chief for the time being shall direct: Under the several Pains Penalties Fines and Forfeitures laid in this Act on others in the like Cases offending

BE IT ENACTED By the Authority aforesaid that no officer of the Militia of this Colony shall surrender or resign his Commission, unless he is superceeded in his Rank, or hath served in that Rank fifteen years at the least: In either of which cases such Person may resign his Commission, but shall nevertheless be subject to the like service, and Penalties, as Persons heretofore exempted from inlisting in the Militia, are liable to by this Act. And all Commissions Granted to Persons which do not confine them to any particular Corps or to some Corps in the City or County where such Persons reside, shall be and are hereby declared Null and Void: any Law Ordinance Commission, usage, or Custom, to the contrary Notwithstanding.

PROVIDED allways That all Doctors of Physick, Practitioners in Physick, and Surgeons, shall not be obliged to inlist in any Troop or Company, or to do any Military Duty whatsoever: but, as those who reside in the Cities of New York or Albany, shall be subject to such duty in time of Invasion as is before directed in this Act.

PROVIDED also that persons employed in Furnaces for making of Iron, two Ferry Men to every Publick Ferry, two Men to every Pilot Boat, one Miller to each Grist Mill-House, and keepers of Publick Goals, shall be and are hereby declared free and exempt from all Military Duty whatsoever, except in time of Actual Invasion. And nothing in this Act shall extend or be contrued to lessen or abridge the several Libertjes and exemptions which are allowed and granted to the Firemen of the City of New York, in and by an Act Entitled [An Act for the better extinguishing Fires which may happen in the City of New York] passed in the Eleventh year of his Majesty's Reign

BE IT ENACTED by the Authority aforesaid that in case the several Fines, Penalties and Forfeitures in this Act mentioned, that do not exceed the sum of twenty shillings, shall not be paid on demand, the same shall be levied recovered and disposed of as followeth that is to say. That all such Forfeitures as do relate to any Person under the Degree of a Captain, shall be judged and taken by the respective Captains to defray the Charges of their Troops and Companies, and be Levied before the next exercising Day by Distress and sale of the offenders

Goods, by Warrant from the Captain or next Commanding Officer, directed to the serjeant or Corporal of the Company wherein the said Offence was committed. But if the offender be a servant or under his Parents care, then and in such case the Masters or Parents Goods shall be liable to such Distress and sale as aforesaid, till satisfaction be made. And if any Serjeant or Corporal shall refuse to execute such Warrant so to him directed, such Serjeant or Corporal shall for every such offence forfeit for the uses above mentioned, the Sum of Forty Shillings, to be levied in manner before expressed, by such other Serjeant or Coporal as such Warrant shall be directed to: and all other Penalties and Forfeitures in this Act mentioned, which relate to any Person under the Degree of a Colonel, or that are not otherwise applied in this act, shall be Levied by Distress and sale of the offenders Goods, by Warrant from the Colonel or the next Field Officer, where such offenders are; and all such Penalties and Forfeitures as do relate to a Colonel the same shall be Levied by Distress and sale of the offenders Goods, by Warrant from the Governor or Commander in chief for the time being, which Forfeitures shall be aplyed towards purchasing Arms for the use and Benefit of the Regiment, in the Cities or Counties where the offence is Committed: and the Serjeants or Corporals of the Regiment are to reserve to themselves, out of such Distress, over and above the fine or forfeiture, the sum of three Shillings for executing each Warrant from their Captain or other Superior officer, which Warrant and the Execution thereof by the person to whom directed, shall be good in Law, and of full force and Virtue to and for the purposes in this Act mentioned.

AND BE IT ENACTED that if any Colonel or other officer whose duty it shall or may be to issue such Warrants as aforesaid, for Levying any Fine or Forfeiture imposed and laid by this Act, and who shall refuse or neglect to issue such Warrants, and cause such Fines or Forfeitures to be levied upon the Defaulter or Defaulters, such Colonel or other officer shall forfeit for every such Neglect or Refusal the Sum of five Pounds to be recovered and applied as aforesaid.

AND BE IT FURTHER ENACTED by the same Authority that in case no goods be found on which to Levy the Distress for the several Fines and Forfeitures by this Act incurred the person offending shall be Committed to the County Goal; and the Sherif of the City or County where the Forfeiture is incurred,



is hereby impowered and required to receive the Body of all such Delinquents, as shall be brought to him by Virtue of any Warrant or Warrants issued pursuant to the Directions of this Act; and him or them to keep in safe custody, until such Fines and Fees mentioned in such Warrant are paid. And it is hereby declared that such Sheriff shall in all such cases, be intitled to the same Fees as are allowed in all other cases.

BE IT ALSO ENACTED by the Authority aforesaid that whenever it shall be found necessary to constitute and appoint a Court Martial, in any of the Regiments of this Colony, the Colonel shall return himself and the next Commanding officer of the Regiment, and twenty four other Commissioned officers of his Regiment, to the Governor or Commander in chief for the time being, who shall Commissionate under the Great seal of this Colony, thirteen out of the said twenty six, to be a Court Martial, of whom a Field Officer shall always be one, which Field officer shall be president of the Court, and such Court Martial shall have power and authority to administer an Oath to any Witness in order to the Examination or Tryal of any of the offences that shall come before the said Court. PROVIDED always that in all TRYALS by a Court Martial by Virtue of this Act, every officer present at such Tryal, before any proceedings be had thereupon, shall take an Oath upon the holy Evangelists before one of the Judges of the Supreme Court, or one of the Judges of the Inferior Courts of Common pleas, in the several Counties where such Courts Martial are held, who are hereby Authorized to Administer the same, in these words, that is to say. I A. B do swear, that I will duly Administer Justice according to Evidence, and to the direction of An Act Intitled [An Act for the regulating the Militia of the Colony of New York] without partiality Favour or affection, and that I will not divulge the sentence of the Court until it shall be approved by the Governor or Commander in Chief for the time being, neither will I upon any Account at any time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court Martial. SO HELP ME GOD.

And no sentence of death or other sentence shall be given against any offender, but by the concurrence of the Major part of the officers so sworn, which Major part shall not be less than nine. and no sentence against any Delinquent shall be put in Execution until Report be made of the whole proceedings to the

Governor or Commander in Chief for the time being, and his Directions signified thereupon.

WHEREAS there are in this Colony many of the people called Quakers, who from Religious or conscientious scruples are averse to the bearing of Arms or Military Service. BE IT THEREFORE ENACTED by the Authority aforesaid that no person being of the people called Quakers, shall be liable to any other or greater Fine, during the continuance of this Act, than the sum of twenty shillings for not inlisting or refusing or neglecting to do duty in the Militia of this Colony, which fine shall be levied in three Months after the publication of this Act. But if any such person being duly warned shall refuse or neglect to serve on any Military Watch appointed by virtue of this Act, or to send a sufficient and well armed Man in his place he shall forfeit for every such offence the sum of ten Shillings.

AND WHEREAS An Act of the Parliament of Great Britain was passed in the twenty second year of his present Majesty's Reign Entitled [An Act for encourageing the people known by the name of Unitas Fratrum or united Brethren to settle in his Majesty's Colonies in America] whereby every person who is a Member of the Church or Congregation called Unitas Fratrum or United Brethren, and who shall reside in any of his Majesty's Colonies in America, is exempted from bearing arms or doing Military service, in any of the said Colonies; But shall nevertheless contribute and pay such Sums of money, as Shall be rated and assessed on such person, in lieu of such personal service. And although such contribution may be a reasonable compensation to the publick for the want of such Personal Military service: Yet in times of eminent danger every one ought to exert himself to his utmost in the defence of his Country, and as such Persons may be usefully employed in services no ways incompatible with their Religious sentiments. BE IT THEREFORE ENACTED by the Authority aforesaid that in Lieu of the personal Military service of the people of the said Church or Congregation, called Unitas Fratrum, or United Brethren, who reside in this Colony, every of them claiming such Exemption, shall pay the Sum of twenty shillings to be levied in three Months after the publication of this Act. And every of them who being duly warned to serve on such Military Watch as aforesaid, shall neglect or refuse so to do, or to send a sufficient well Armed Man

in his stead, shall forfeit for every such neglect or Refusal, the Sum of ten Shillings. And the people of the said Church or Congregation; and also all such who are of the people called Quakers; who refuse to bear Arms: shall in time of Alarm or Invasion severally appear provided with one good spade, Iron shod shovel, and pick ax, and six Empty Bags, each Bag sufficient to contain two Bushells, and shall serve as Pioneers or Labourers, or upon any other than Military service in such manner as shall be directed by the Governor or Commander in chief for the time being, or the Commanding officer in the place where such Alarm or Invasion may happen, under the penalty of one hundred pounds.

AND BE IT ENACTED that the several Rates, Penalties, Fines, and Forfeitures, which shall accrue and grow due from the people of the said Church or Congregation, and from the people called Quakers, shall be paid to the respective City or County Treasurers, where the same shall arise. And on non payment thereof, such Treasurers respectively, shall forthwith make Application to any one Justice of the Peace, for a Warrant to levy the same by distress and Sale of the offenders Goods, who is hereby directed to grant such Warrant, and if no Goods be found on which to levy such Rate, Fine, or Forfeiture, then to commit the offender to the County Goal, there to remain until such Rate Fine or Forfeiture and the Fees of such Warrant are paid. And the said County Treasurers shall from time to time render just and true accounts upon Oath, of all the moneys which they shall so receive, to the Governor or Commander in Chief, And by his order apply the same towards purchasing of Arms and Ammunition for the use of the said Cities or Counties respectively, which shall be Lodged in the Respective City or County Halls under the care of the several Sherifs, and delivered out from time to time as the Governor or Commander in chief shall appoint and direct.

BE IT FURTHER ENACTED by the same Authority that no person pretending, or claiming to be a Member of the said Church or Congregation of the Unitas Fratrum or United Brethren, or pretending or claiming to be of the People called Quakers, shall be entitled to exemption from Military service by Virtue of this Act, until he shall have entered his Name, place of abode, and occupation, with the Clerk of the City or County in which he dwells or resides, who is hereby directed and required upon the



application of every such Person, and on his producing such Certificate as the Laws require in the like cases, to Enroll the same; and to give him a Certificate thereof under his hand, and seal of Office; for which the said Clerk shall receive one Shilling and six pence and no more: which Certificate shall intitle the Person whose name is mentioned therein to have been Enrolled as aforesaid, to the benefit of this Act, And the said respective Clerks are once every three Months to transmit to the Secretary of this Colony or his Deputy, true Copies of all such Entries or Enrollments to be Lodged in the office of the said Secretary, and copies thereof also to the Treasurer of the City or County for which the said Clerks are respectively appointed; or in default thereof the said Clerks shall respectively forfeit the Sum of five pounds, to be recovered and applied in the same manner as the several Fines and Forfeitures mentioned in the next preceeding Clause in this Act, are directed to be recovered and applid.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that no officer or Soldier by this Act directed to appear, and Muster as aforesaid, or that shall be appointed to Watch, shall be liable to be taken by any officer in any Civil Action whatsoever, on the day whereon such person is directed to appear or Watch, or in any reasonable time either in going to, continuing at, or returning home from, the place or places appointed to Muster or Watch: and all officers are hereby required to take notice hereof, and Govern themselves accordingly.

BE IT ALSO ENACTED by the Authority aforesaid that if any Person or Persons shall be sued Molested, or impleaded for any matter or thing lawfully done and commanded in the Execution and performance of this Act, he or they shall plead the General issue, and give this Act in Evidence, and if the plaintiff discontinue his Action, be nonsuited, or a Verdict pass against him, the Defendant shall recover treble costs; nor shall any suit or Suits be admitted or allowed to be brought unless it be done within three Months next after the offence is Committed

AND BE IT ENACTED by the Authority aforesaid that One Act Entitled [An Act to regulate the Militia of this Colony] passed in the thirteenth year of his present Majesty's Reign: And one other Act Entitled [An Act to continue An Act entitled an act to regulate the Militia of this Colony with an Alteration thereto] passed in the twenty eighth year of his said Majesty's Reign, and all Acts for reviving or continuing the

said first mentioned Act shall be, and every Article Clause and thing in the said Acts contained, are hereby Repealed made Void and rendered of no force or Effect.

AND BE IT ALSO ENACTED that nothing in this Act shall be construed to Subject the Gentlemen of his Majesty's Council, and the Members of the General Assembly, not holding any Military office; or Ministers of the Gospell; to do any Military duty whatsoever

PROVIDED ALWAYS AND BE IT FURTHER ENACTED that nothing in this Act contained, shall be intended or construed to derogate from, or in any wise lessen or diminish, the powers lodged or invested in the Governor or Commander in chief for the time being, by his Majesty's Letters Patent, Commission, or other power whatsoever; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

AND BE IT ENACTED that this Act shall be of force for one whole year from the Publication thereof, and no longer.

[CHAPTER 973.]

[Chapter 973, of Van Schaack, and chapter 52 (vol. 2) of Livingston & Smith, where the title only is printed. Explained by chapter 990. Provided for by chapter 1061.]

An Act to prevent infectious Distempers being brought into this Colony and to hinder the Spreading thereof

[Passed, May 3, 1755.]

IN order as much as may be to prevent the Small Pox Yellow Fever or any other Contagious Distempers being brought into this Colony BE IT ENACTED by his Honor the Lieutenant Governor the Council the General Assembly and it is hereby Enacted by the Authority of the Same that all Vessels having the Small Pox Yellow fever or other Contagious Distemper on Board and all Persons Goods and Merchandizes Whatsoever coming or imported in Such Vessels and all Vessels coming from any place infected with such Distempers Shall not come into any the Ports or Harbours of this City or Nearer the Same City than the Island Commonly called Bedlows Island And Shall be obliged to make their Quarentine there or in Such other place or Places for such time and in Such Manner as the Governor or Commander in Chief by and with the advice and consent

be due from any Prisoner or Prisoners at the time of his her or their Respective discharges no Goods or Chattles then lying or being in or upon the Respective Tenements or Lands So in lease or liable to be distrained Shall be removed or disposed of without Consent of the Landlord or Person to whom the Rent is due untill the Same be paid or Satisfied, And that the Landlord may use all Lawfull Ways for having and recovering his Rent So as that the Same exceed Not one Years Rent by distress or otherwise as he might have had or could have done Before the making of this Act Any thing herein Contained to the Contrary in anywise Notwithstanding AND PROVIDED ALSO That this Act Shall Not Barr any Absent or distant Creditors who had Not Notice of the Prisoners Application to the Court as Aforesaid.

AND be it Enacted by the Authority Aforesaid that this Act Shall be in Force from the publication thereof untill the first Day of January which will be in the Year of our Lord One thousand Seven hundred and fifty Seven.

#### [CHAPTER 996.]

[Chapter 996, of Van Schaack, where the title only is printed. Chapter 75 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 972. Continued by chapter 1024.]

An Act to Continue an Act Entitled An  
 See also original    Act for Regulating the Militia of the Colony of  
 pp. 17, 18.        New York with Some Additions thereto.

[Passed, February 19, 1756.]

WHEREAS an Act Entitled "An Act for Regulating the "Militia of the Colony of New York" passed in the Twenty Eighth Year of his Majesties Reign will expire by its own Limitation on the Nineteenth day of February Next: And the Same having been found highly usefull.

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same That the Said Act Entitled "An Act for Regulating the Militia of the Colony of New York" Shall be and hereby is continued and every Clause Article Matter and thing therein contained Enacted to be and Remain in full force and Virtue to all intents Constructions and purposes Whatsoever from the Said Nineteenth day of February Next untill the

196. N. Y.—*General Assembly; Col. Laws, Vol. 4, Lyon, 1894; Act, Feb. 19, 1756, pp. 16-18.*



first day of January which will be in the Year One thousand Seven hundred and fifty Seven.

AND WHEREAS in and by the Aforesaid Act it is provided and Enacted that the Several Sums of Money to be paid by the people called Quakers and those of the Congregations of the United Brethren for an Exemption from Military Service Should be levied within three Months after the publication of the said Act And many of the said Sums not having been levied within the said time It is now become doubtfull whether the same can be now levied by Virtue of the said Act for clearing which doubt BE IT ENACTED by the Authority Aforesaid That the Several County Treasurers for the time being shall be and hereby are Authorized impowered and Strictly required within one Month After the publication of this Act to levy all the said Sums pursuant to the directions of the said Act and in case any of the said County Treasurers shall Neglect or omit to do the duty hereby required of them they shall Respectively for each Offence forfeit and pay the sum of Twenty Pounds to be sued for and recovered by the Treasurer of this Colony and applied for purchasing Arms and Ammunition for the use of the County where the Said Forfeiture Shall arise under the Regulations contained and provided in and by the Aforesaid Act, anything in the said Act to the Contrary Notwithstanding

AND be it further Enacted by the authority Aforesaid that the Several Certificates of the aforesaid People which are entered in the Clerks Office IN any of the City's or Counties of this Colony pursuant to the aforesaid Act shall continue to each of the Persons therein Named the several Exemptions Contained in the said Act and the Several and Respective County Treasurers Shall within three months After the publication of this Act Levy the further Sum of Twenty Shillings of and from each of the said Persons according to the Directions and under the Penalties Contained in the preceding Clause unless any of the said Persons shall desire to withdraw their Certificates in which Case the said Respective Clerks Shall Erase the Name of Such person or Persons and they shall be no longer Entitled to the said Exemption And the said Clerk shall immediately acquaint the Captains of the districts to whom the said persons belong of their withdrawing their Certificates that the Said Captains may again call upon them for the performance of Military Service and in all cases where Certificates Shall be Entered in any of

the Clerks Offices of this Colony during the continuance of this Act to Entitle any of the Said People to the Exemptions of the aforesaid Act the said Clerks shall within One Month After every such Entry give the Treasurer of the County where Such Entry Shall be so made an account thereof and the said Treasurer shall within one Month after Such account delivered to him cause the said Several Sums to be levied in manner Aforesaid and every County Clerk or Treasurer who Shall Omit to do their Respective Duties hereby enjoined them shall Respectively forfeit the sum of Five pounds to be recovered and Applied as is herein before provided with Respect to Such County Treasurers as shall neglect the Duty enjoined them by this Act.

And whereas the County of Albany is more exposed to the Attempt of an Enemy from Canada than any other part of this Colony and in case any Attack on that quarter should succeed, it might occasion the Detection of the six Nations of Indians Be it therefore enacted by the Authority aforesaid that the Colonel, or in his absence the next Commanding Officer of the Militia of the County of Albany shall be and he is hereby empowered and required from time to time to send out such Detachments of Men in their turns as he shall conceive necessary to be employed as Outscouts or Rangers, the better to guard against being surprized by an Enemy, and to enable him to defeat their Designs. And the Person neglecting or refusing to perform such Duty shall forfeit the sum of five Pounds to be levied by Warrant from the said Colonel or next Commanding officer, and applied towards purchasing of Arms for the use of the Regiment Provided that no such Detachments shall be employed at any one time longer than six days.

#### [CHAPTER 997.]

[Chapter 997, of Van Schaack, and chapter 76 (vol. 2) of Livingston & Smith, where the act is printed in full.]

#### An Act to Enable Creditors more easily to Recover their Debts from joint partners

[Passed, February 19, 1756.]

WHEREAS Creditors are often put to great Trouble and difficulty in Recovering Debts due from Joint-Partners the proceeding to outlawry against Persons who cannot be taken by process not being in use in this Colony and Doubts have arisen

## THE TWENTY-SEVENTH ASSEMBLY

*Eighth Session.*

(Begun Sept. 21, 1756, 30 George II, Sir Charles Hardy,  
Governor.)

## [CHAPTER 1024.]

[Chapter 1024, of Van Schaack, where the title only is printed. Chapter 103 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapters 972 and 996, 1042 and 1048.]

An Act further to Continue an Act Entituled An Act for Regulating the Militia of the Colony of New York and for Continuing An Act Entituled An Act to continue an Act Entituled an Act for Regulating the Militia of the Colony of New York with Some Additions thereto

[Passed, November 27, 1756.]

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the Same that one Act Entituled "An Act for Regulating the Militia of Colony of New York" Passed in the Twenty Eighth Year of his Majesties Reign as also one other Act Entituled "An Act to continue an Act Entituled An Act for Regulating the Militia of the Colony of New York with Some additions thereto" passed in the Twenty Ninth Year of his Majesties Reign Shall be and hereby are continued and every Clause Article Matter and thing therein contained Enacted to be and Remain in full force and virtue to all Intent Constructions and purposes whatsoever from the first Day of January Next untill the first Day of January which will be in the Year of our Lord One thousand Seven hundred and Fifty Eight

197. N. Y.—*General Assembly; Col. Laws, Vol. 4, Lyon, 1894; Act, Nov. 27, 1756, p. 101.*



of the Aldermen of the City of New York, Who are hereby Authorized and impowered to hear and Determine the same. And all the said Fines and Forfeitures and such part of the penalty of any Recognizance recovered and Unapplied as Aforesaid shall be paid into the Hands of the said Master and Wardens or of any three or more of them And by them applyed towards defraying such Necessary Expences as they shall be put to in the Discharge of the Trust reposed in them.

AND be it also Enacted by the authority aforesaid That during the Continuance of this Act it shall and may be Lawfull for the Governor or Commander in chief of this Colony for the time being by and with the advice and Consent of His Majesties Council to appoint so many Branch Pilots as shall be Judged Necessary for the safe Piloting of Vessels (when required) through the Channel in the East River Commonly called HELL GATE to and from the Port of New York The Master and Wardens as aforesaid to establish the Pilotage and also to make Such Rules and Regulations for the ordering and direction of the said Pilots as shall be Necessary and Expedient.

This act to be and Continue in force from the Publication hereof untill the first Day of March which will be in the Year our of Lord One thousand seven Hundred and Fifty Eight

[CHAPTER 1042.]      See also original p. 179.

[Chapter 1042, of Van Schaack, where the title only is printed. Chapter 120 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 972. Continued by chapter 1048.]

AN Act to Amend an Act Entituled "An Act for Regulating the Militia of the Colony of New York "

[Passed, February 26, 1757.]

WHEREAS in and by the aforesaid Act it is provided and Enacted that at the Beacons therein Appointed to be Erected a Guard or Watch shall be kept to give notice of the Approach of any Enemy by Sea Whenever the Governor or Commander in cheif for the time being Shall think proper to order and direct the Same Such Watch to Consist of Detachments from the Militia of the Several County's wherein the said Beacons are appointed to be Erected But it being judged more safe to have the said Beacons Constantly Watched by fit Persons particularly Appointed for that purpose

BE it Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same That whenever the Governor or Commander in Chief shall order such Watch to be kept the Colonel or Next Commanding officer of the Militia of the several and Respective Countys Where the Beacons are Erected shall be and hereby are impowered and Authorized to Appoint Two fit and proper persons to attend and Watch at the said Beacons for whose time and Attendance a Reasonable Allowance shall be made by the Supervizors of the said Several and Respective County's who shall be and hereby are impowered and Required to Cause the same to be Raised Levied and Collected with their other County Charges and the said Persons so appointed to Watch and have the care and Charge of the said Beacons shall do observe and perform all the directions of the Said Act under the penalty's therein Contained Any thing in the said Act to the Contrary Notwithstanding.

AND Whereas it is Enacted and Declared in and by the aforesaid Act That the several Rates Penalties Fines and Forfeitures which should Accrue and grow due from the People called the United Bretheren and from the People Called Quakers should be paid to the Respective City or County Treasurers where the same Should Arise and that on Nonpayment thereof Such Treasurers respectively Should forthwith make Application to any one Justice of the Peace for a Warrant to Levy the same by Distress and Sale of the offenders Goods But it not being Mentioned to whom the Said Warrant should be directed a doubt has Arisen Touching the Execution of the said Warrant for Clearing which Doubt BE IT ENACTED by the Authority Aforesaid That the said Warrant Shall be directed to and Executed by the Constables of the respective City's Towns Manors or Precincts within whose limits the said People dwell and Reside and the Money's levied by them Paid unto the respective City or County treasurers according to the directions of the said Act And in case any of the said Rates Penalties Fines and Forfeitures heretofore incurred remain yet unpaid the respective City and County Treasurers are hereby impowered injoined and Required to cause the same to be FORTHWITH Levied After the publication of this Act

AND WHEREAS in and by the aforesaid Act it is Enacted and declared that Whenever it Shall be found Necessary to Constitute and Appoint a Court Martial in Any of the Regi-

ments of this Colony The Colonel shall return himself and the Next Commanding officer of the Regiment and Twenty Four other Commissioned officers of his Regiment to the Governor or Commander in chief for the time being who Shall Commissionate under the Great Seal of this Colony Thirteen out of the said Twenty six to be a Court Martial BE IT ENACTED BY THE AUTHORITY AFORESAID That the said Court Martial Shall Consist of Thirteen of the Eldest of those who shall Attend to form the said Court Martial Any thing in the aforesaid Act to the Contrary Notwithstanding

[CHAPTER 1043.]

[Chapter 1043, of Van Schaack, where the title only is printed. Chapter 121 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 1017. Continued by chapter 1099.]

An Act to Revive an Act Entitled "An Act for the better Apprehending and Securing Deserters from his Majesties Forces in North-America" with an addition thereto.

[Passed, February 26, 1757.]

WHEREAS an Act Entitled "An Act for the better Apprehending and Securing Deserters from his Majesties Forces in North America" made and passed in this Present Thirtieth Year of his Majesties Reign expired on the first Day of January last; And it Appearing Necessary, particularly at this Critical and Extraordinary Conjuncture, that the Same be Revived

BE IT THEREFORE Enacted by his Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same, That the aforesaid Act Entitled "An Act for the better Apprehending and Securing Deserters from his Majesties Forces in North-America" Shall be and hereby is Revived and every Article Matter and Clause therein contained Enacted to be and remain in full Force to all intents Constructions and Purposes Whatsoever, from the Publication hereof untill the first Day of January which will be in the Year of our Lord One thousand seven hundred and Fifty Eight.

AND be it further Enacted by the Authority Aforesaid That if any Captain of a private Vessel of War or Master of any Trading Vessel Shall during the Continuance of this Act take on Board and Carry off or Transport out of this Colony any



One thousand Seven hundred and Fifty Seven to the first day of September One thousand Seven hundred and Fifty Eight Six Shillings per Diem on a Certificate from the General Assembly Signed by their Speaker for the Number of Days he has Served or may serve the General Assembly

AND BE IT FURTHER ENACTED by the Authority Aforesaid that the Treasurer Shall and he is hereby directed to keep exact Books of the several payments which he is directed to make by this Act And shall render true and distinct Accounts thereof on Oath to the Governor or Commander in chief for the time being the Council or General Assembly When by them or any of them he shall be thereunto required

See also original p. 188.

[CHAPTER 1048.]

[Chapter 1048. of Van Schaack, where the title only is printed, Chapter 126 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 1024. Continued by chapter 1070.]

An Act further to Continue an Act Entitled "An Act for Regulating the Militia of the Colony of New York" together with the Two Acts therein mentioned respecting the Regulating the Militia of New York with an Addition thereto

[Passed, December 24, 1757.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same That the Act Aforesaid Entitled an "Act for regulating the Militia of the Colony of New York" Passed in the Twenty Eighth Year of his Majesties Reign And likewise one other Act Entitled "An Act to continue an Act "Entitled An Act for Regulating the Militia of the Colony of New York." with some Additions thereto" passed in the Twenty Ninth Year of his Majesty's Reign And also one other Act Entitled "An Act to Amend an Act Entitled "An Act for Regulating the Militia of the Colony of New York" passed in the Thirtieth Year of his Majesties Reign Shall be and hereby are continued and Every Clause Article Matter and thing in the said three Acts Contained Enacted to be and Remain in full force and Virtue to all Intents Constructions and Purposes Whatsoever from the first Day of January Next Untill the first day of

January which will be in the year of our Lord One thousand seven hundred and Fifty Nine

And Whereas in the Counties of Ulster and Orange there are several places Inhabited which lie at a great distance from the Respective Colonels or Commanding Officers of the Regiments in the said Counties and Consequently the waiting for their orders Would Much expose such places to the Ravages of small Parties of the Enemy BE IT THEREFORE ENACTED by the Authority Aforesaid that the Captains or next Commanding officers of the several and Respective Companies within the Respective Counties Aforesaid Nearest to any such place as shall be Invaded shall immediately call together his or their Company or Companies and forthwith March them towards and use their Utmost Endeavours to Repel and drive off the Enemy And on the first Notice of such Invasion shall dispatch an Express to the Commanding officer of one of the Respective Regiments of the said counties with Intelligence thereof and of the Number and Motion of the Enemy according to the best Information he or they shall have obtained any thing in any of the said Acts to the Contrary notwithstanding

[CHAPTER 1049.]

[Chapter 1049, of Van Schaack, and chapter 127 (vol. 2) of Livingston & Smith, where the title only is printed. See chapter 1029. Continued by chapter 1068.]

An Act to Continue an Act Intituled "an Act for Erecting and Establishing a Stamp-office in this Colony for Stamping all Vellum Parchment and Paper charged with the several Duty's therein Mentioned "

[Passed, December 24, 1757.]

WHEREAS An Act Entitled "An Act for Erecting and Establishing a Stamp office in this Colony for Stamping all Vellum Parchment and Paper charged with the Several Duty's therein Mentioned " will expire by its own Limitation on the first Day of January Next and the said Act having been found beneficial to this Colony

BE IT THEREFORE Enacted by his Honour the Lieutenant Governor the Council and General Assembly and it is hereby Enacted by the Authority of the same that the Above mentioned Act Entitled "An Act for Erecting and Establishing a

AND BE IT FURTHER ENACTED by the authority aforesaid that every Person and Persons whomsoever who after the first day of January next shall Sell any Part of a Chest Box Tub Bag or other Package of Tea Shall be and hereby is and are declared to be a Retailer or Retailers of such Tea Altho' the Quantity Sold should be one Hundred pounds Weight or Upwards and Shall be and hereby are made liable to Pay the Duty laid by the aforesaid act for the same The Managers or Collectors appointed to Collect the said Duty being to allow Such Person or Persons so selling such Tea as aforesaid five per Cent for loss of Weight to be computed from the Weight Specified in the Original Invoice of such Chest Box Tub Bag or other Package as aforesaid and the said Person or Persons so Selling such Tea as Aforesaid shall be and hereby is and are made liable and Subject to all Such Penalties and Forfeitures laid in the aforesaid Act As Persons Selling such Tea under the Quantity of One hundred Pounds Weight are Subject and liable to for not Complying with the Directions and Provisions in the said act Mentioned any thing in the said act to the Contrary notwithstanding

See also original p. 294.

[CHAPTER 1070.]

[Chapter 1070, of Van Schaack, where the title only is printed. Chapter 148 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 1048. Continued by chapter 1092.]

An Act further to Continue an Act Entitled an act for Regulating the Militia of the Colony of New York, together with the two Acts therein Mentioned respecting the Regulating the Militia of New York with an Addition thereto.

[Passed, December 16, 1755.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same that the Act aforesaid Entitled "An act for regulating the Militia of the Colony of New York" Passed in the Twenty Eighth Year of his Majesties Reign, and likewise one other act Entitled "An act to Continue an act Entitled an act for Regulating the Militia of the Colony of New York with some Additions thereto" Passed in the Twenty Ninth Year of his Majesties Reign, and also one other act Entitled "an act to amend an act Entitled an act for Regulating



"the Militia of the Colony of New York" Passed in the Thirtieth Year of his Majesties Reign, Shall be and hereby are Continued, and every Clause Article matter and thing in the said three acts Contained Enacted to be and remain in full force and Virtue to all Intents Constructions and Purposes whatsoever from the first day of January which will be in the Year of our Lord One thousand seven hundred and Fifty nine untill the first day of January One thousand seven hundred and Sixty.

AND WHEREAS in the Counties of Ulster & Orange there are Several places inhabited which lie at a great distance from the Respective Colonels or Commanding officers of the Regiment in the said County's & Consequently the waiting for their orders would much expose Such Places to the Ravages of Small Parties of the Enemy. BE IT THEREFORE ENACTED by the authority aforesaid that the Captains or next Commanding officers of the SEVERAL and Respective Companies within the Respective Counties aforesaid Nearest to any such Place as shall be Invaded Shall immediately call together his or their Company or Companies and forthwith March them towards and use their utmost Endeavours to Repell and drive off the Enemy and on the first Notice of Such Invasion shall dispatch an Express to the Commanding officer of one of the Respective Regiments of the said Counties with Intelligence thereof and of the number and motions of the Enemy according to the best Information he or they shall have Obtained Any thing in any of the said Acts to the Contrary Notwithstanding

#### [CHAPTER 1071.]

[Chapter 1071, of Van Schaack, where the title only is printed. Chapter 149 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 1052. Contined by chapter 1094.]

An Act further to Continue an act Entitled "an act for Billeting and Quartering his Majesties Forces within this Colony"

[Passed, December 16, 1758.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the authority of the same That one Act Entitled "An act for Billeting and Quartering his Majesties Forces within this Colony" Passed in the Thirtieth year of his Majesties Reign (which will Expire on the first Day of January Next) shall be

UNTO Abraham Lott junior Clerk of the General Assembly for his Services in that Station from the Thirty first Day of January One thousand Seven hundred and fifty nine to the first Day of September One thousand seven hundred and Sixty Twenty Shillings per Diem and no more on a Certificate from the General ASSEMBLY Signed by the speaker for the number of Days he has served or may serve the General Assembly Any thing in any former act to the contrary Notwithstanding.

AND UNTO Alexander Lamb Doorkeeper of the General Assembly for his Service in that Station from the first of September One thousand seven hundred and Fifty nine to the first Day of September One thousand seven hundred and sixty Six Shillings per Diem On a Certificate from the General Assembly signed by the speaker for the number of Days he has served or may serve the General Assembly

AND UNTO the said Alexander Lamb for sundry Disbursements and extraordinary services for the use of the General Assembly the further Sum of Twenty pounds.

AND BE IT ENACTED by the authority aforesaid That the Treasurer shall and he is hereby directed to keep exact Books of the Several Payments which he is directed to make by this Act and Shall render true and distinct accounts thereof upon Oath to the Governor or Commander in Chief for the time being the Council or the General Assembly when by them or any of them he shall be thereunto required.

See also original p. 364.

### [CHAPTER 1092.]

[Chapter 1092, of Van Schaack, where the title only is printed. Chapter 170 (vol. 2) of Livingston & Smith, where the act is printed in full. Continued by chapter 1123.]

An Act further to continue an act Entitled  
"An act for regulating the Militia of the Colony  
"of New York," together with the several acts  
therein Mentioned respecting the regulating  
the Militia.

[Passed, December 24, 1759.]

BE IT ENACTED by his honour the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the authority of the same, that the Act aforesaid Entitled "An act for Regulating the Militia of the Colony of New York" passed in the Twenty eight year of his Majesty's Reign, as also

one other Act entitled "An act to continue an act entitled an act for Regulating the Militia of the Colony of New York with some additions thereto" passed in the Twenty Ninth Year of his Majesty's Reign, as also one other act Entitled "An Act to amend an act Entitled an act for Regulating the Militia of the Colony of New York" passed in the Thirtieth Year of his Majesty's Reign as likewise one other Act Entitled "An act further to continue an Act Entitled "An act for regulating the Militia of the Colony of NEW YORK together with the two acts therein mentioned respecting the regulating the Militia of New York with an addition thereto" passed in the Thirty second year of his Majesty's Reign shall be and hereby are continued and every Clause Article matter and thing in the said four acts contained Enacted to be and Remain in full force and Virtue to all Intents Constructions and purposes whatsoever from the first Day of January next untill the first Day of January which will be in the Year of our Lord One thousand seven hundred and sixty-one.

[CHAPTER 1093.]

[Chapter 1093, of Van Schaack, and chapter 171 (vol. 2) of Livingston & Smith, where the title only is printed. Expired January 1, 1760.]

An Act for laying an Excise upon all Tea  
of foreign growth retailed within this Colony  
during the time therein mentioned

[Passed, December 24, 1759.]

BE IT ENACTED by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the authority of the same that there shall be laid for his Majesty's use from the first day of January next for and during the Term of one whole year from thence an Excise upon all Tea of foreign Growth retailed throughout this Colony (to wit) for and upon every pound of such Tea sold and disposed of by Way of Retail the sum of six pence and So in Proportion for every greater or lesser Quantity retailed as aforesaid

AND be it enacted by the authority aforesaid That every Person or Persons whatsoever who after the said first Day of January next shall sell open or Divide to several Persons any Chest Box Tub Bag or other Package of Tea Shall be and hereby is and are declared Retailer or Retailers of Tea within the meaning and Intent of this act and the Managers or Collectors



And Be it Enacted by the Authority aforesaid that the Treasurer shall & he is hereby directed to keep exact Books of the several payments, which he is Directed to make by this Act, and Shall render true and Distinct Accompts thereof upon oath, to the Governor or Commander in Chief for the time being the Council or General Assembly when by them or any of them he shall be thereunto required.

[CHAPTER 1128.]

[Chapter 1128, of Van Schaack, where the title only is printed. Chapter 206 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 1093. Continued by chapter 1157.]

An Act to continue an act Entitled "An act for Regulating the Militia of the Colony of New York" together with the Several acts therein mentioned respecting the Regulating the Militia.

[Passed, November 8, 1760.]

BE IT ENACTED By his Honor the President the Council and the General Assembly and it is hereby enacted by the authority of the same That the act aforesaid Entitled "An act for Regulating the militia of the Colony of New York" Passed in the Twenty Eight year of his Majesty's Reign As also one other act Entitled "An act to continue an act Entitled An act for Regulating the militia of the Colony of New York with some additions thereto" Passed in the Twenty ninth year of his Majesty's Reign as also one other act Entitled "An act to amend an act Entitled an act for Regulating the militia of the Colony of New York" passed in the Thirtieth Year of his Majesty's Reign, And Likewise one other act Entitled "AN act further to continue an act Entitled "An act for Regulating the Militia of the Colony of New York together with the two acts therein mentioned Respecting the Regulating the Militia of New York "with an addition thereto" Passed in the Thirty second Year of his Majesty's Reign, shall be and hereby are continued and every Clause article matter and thing in the said four acts contained Enacted to be and remain in full force and Virtue TO all Intents Constructions and purposes whatsoever from the first Day of January next Untill the first Day of January which will be in the Year of our Lord one thousand seven hundred and Sixty two.

AND BE IT ENACTED by the authority aforesaid that the Treasurer shall and he is hereby directed to keep exact Books of the several Payments which he is directed to make by this act and shall render true and distinct accounts thereof upon Oath to the Governor or Commander in Chief for the time being the Council or the General Assembly when by them or any of them he shall be thereunto required.

[CHAPTER 1157.]

[Chapter 1157, of Van Schaack, where the title only is printed. Chapter 234 (vol. 2) of Livingston & Smith, where the act is printed in full. See chapter 1128. Continued by chapter 1186.]

An Act further to continue an act Entitled "An act for Regulating the Militia of the Colony of New York," together with the Several Acts therein mentioned respecting the Regulating the Militia.

[Passed, December 31, 1761.]

BE IT ENACTED by his Honor the Lieutenant Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same That the act aforesaid Entitled "An act for Regulating the Militia of the Colony of New York" Passed in the Twenty Eighth year of his late Majesty's Reign As also one other Act Entitled "An act to continue an act entitled An act for Regulating the Militia of the Colony of New York, with some additions thereto" Passed in the Twenty ninth Year of his late Majesty's Reign As also one other act Entitled "An act to amend an act Entitled An act for regulating the Militia of the Colony of New York" passed in the Thirtieth Year of his late Majesty's Reign And likewise one other act Entitled "An act further to continue an act entitled An act for Regulating the Militia of the Colony of New York together with the two acts therein Mentioned respecting the Regulating the Militia of New York with an Addition thereto" passed in the Thirty second Year of his late Majesty's Reign, shall be and hereby are continued And every Clause article, Matter, and thing in the said four acts contained Enacted to be and Remain in full force and Virtue to all Intents, Constructions and purposes Whatsoever from the first Day of January next until the first day of January which will be in the year of Our Lord One thousand seven hundred and Sixty three

shal be Continued therein until the first day of July One thousand seven hundred and Sixty three unless sooner Relieved.

AND BE IT ENACTED by the Authority aforesaid, That in Case any Person or Persons whatsoever Engaged in the service aforesaid either as Officers or Soldiers shall at any time during the said Service Disert therefrom or shall begin Excite Cause or Join in any Mutiny or Sedition in the said Company or shall hold Correspondence with any Rebel or Enemy of his Majesty or give advice or Intelligence by Letters Messages Signs or Tokens or any manner of way whatsoever or shall strike or use any Violence against any of his Superior Officers, being in the Execution of his or their Office or shall Refuse to obey any lawfull Command of his Superior Officer they shall respectively suffer Death or such other Punishment as shall be Inflicted by a Court Martial, which Court Martial shall be held Constituted and appointed by Commission from his Excellency the Governor or Commander in Chief for the time being under the Great Seal of this Colony.

AND BE IT ENACTED by the authority aforesaid that when the Treasurer shall have paid all the several sums directed to be paid by this Act all the Residue of the aforesaid Money shall Remain in the Treasury to be disposed of by act or acts hereafter to be passed for that purpose.

AND BE IT ENACTED by the authority aforesaid that the Treasurer shall keep Exact Books of all his Receipts and Payments by Virtue of this act and a true and Just account thereof shall Render on Oath to his Excellency the Governor or Commander in Chief for the time being the Council or the General assembly when by them or any of them thereunto Required.

[CHAPTER 1186.]

See also original p. 637.

[Chapter 1186 of Van Schaack, where the title only is printed. Continued by chapter 1211.]

An Act further to continue the several Acts therein mentioned Relative to the Militia of the Colony of New York

[Passed, December 11, 1762.]

BE IT ENACTED by His Excellency the Governor the Council and the General Assembly and it is hereby Enacted by the Authority of the same That an Act Entituled "An Act for Regu-



"lating the Militia of the Colony of New York" passed in the Twenty Eighth Year of His late Majesty's Reign As also one one other Act Entituled "An Act to continue an Act Entituled "An Act for Regulating the Militia of the Colony of New York "with some Additions thereto" passed in the Twenty Ninth Year of His late Majesty's Reign As also one other Act Entituled "An Act to Amend an Act Entituled An Act for Regulating "the Militia of the Colony of New York" passed in the Thirtieth Year of His late Majesty's Reign And likewise one Other Act Entituled "An Act further to continue an Act Entituled An Act "for regulating the Militia of the Colony of New York together "with the two Acts therein Mentioned respecting the Regulat- ing the Militia of New York with an Addition thereto" Passed in the Thirty second Year of His late Majesty's Reign shall be and hereby are continued And every Clause Article matter and thing in the Said four Acts contained Enacted to be and remain in full force and Virtue to all Intents Constructions and purposes whatsoever from the first day of January next until the first day of January which will be in the Year of our Lord One thousand Seven hundred and Sixty four

## [CHAPTER 1187.]

[Chapter 1187 of Van Schaack, where the title only is printed. Expired January 1, 1764.]

An Act for Billeting and Quartering his Majesty's Forces within this Colony of New York.

[Passed, December 11, 1762.]

WHEREAS it is the undoubted Right of all his Majesty's Subjects in this Colony to be free from the Burthen of having Soldiers Quartered upon them against their Wills, Yet the General Assembly of this Colony considering that there may be Occasion during the Continuance of this Act to Quarter Soldiers in Places where there are no Barracks, or where the Barracks cannot contain a sufficient Number, particularly such Soldiers as are lately recovered from Distempers contracted during their service in the West Indies and remain still weak and Feeble, and being willing to promote his Majesty's Service as far as lies in their Power in this and every thing they conceive conducive thereto.

such manner as his Majesty's Commander in Chief in North America shall Judge most Conducive to that purpose, shall be Continued therein until the first Day of November One thousand Seven hundred and sixty four and no longer.

AND BE IT ENACTED by the Authority aforesaid that in Case any Person or Persons whatsoever engaged in the Services aforesaid, either as Officers or Soldiers, shall at any time during the said Service, Desert therefrom or shall begin, Excite, Cause or Join in any Mutiny or Sedition in the Company to which he shall belong or any other Company engaged in the said Services or shall hold Correspondence with any Rebel or Enemy of his Majesty, or give advice or Intelligence, by Letters Messages, Signs, or Tokens, or any manner of way whatsoever or shall strike or use any Violence against his Superior Officer, being in the execution of his Office or shall refuse to Obey any lawfull Command of his Superior Officer they shall respectively suffer Death or such other Punishment as shall be Inflicted by a Court Martial: which Court Martial shall be held, Constituted, and appointed by Commission from the Lieutenant Governor or Commander in Chief for the time being under the Great seal of this Colony.

AND BE IT ENACTED by the Authority aforesaid that when the Treasurer shall have paid all the several sums of Money directed to be paid by this Act all the residue of the aforesaid money shall remain in the Treasury to be disposed of by Act or acts hereafter to be passed for that purpose.

AND BE IT ENACTED by the Authority aforesaid that the Treasurer shall keep Exact Books of all his Receipts and Payments by virtue of this act and a true and Just account thereof shall render upon Oath to the Lieutenant Governor or Commander in Chief for the time being, the Council, or to the General Assembly when by them or either of them thereunto required.

See also original p. 699.

#### [CHAPTER 1211.]

[Chapter 1211 of Van Schaack, where the title only is printed. See chapter 1186.]

An Act further to Continue the several Acts therein mentioned, Relative to the Militia of the Colony of New York.

[Passed, December 13, 1763.]

BE IT ENACTED by his Honour the Lieutenant Governor, the Council and the General Assembly, and it is hereby Enacted

by the Authority of the same, That an Act Entitled An Act for Regulating the Militia of the Colony of New York passed in the Twenty Eight Year of his late Majesty's Reign: as also one other Act Entitled, An Act to Continue an Act Entitled an Act for regulating the Militia of the Colony of New York with some additions thereto, passed in the Twenty Ninth year of his late Majesty's Reign, As also one other Act Entitled, An Act to amend an Act Entitled an Act for Regulating the Militia of the Colony of New York passed in the Thirtieth year of his late Majesty's Reign and likewise one other Act Entitled An Act further to Continue An Act Entitled An Act for Regulating the Militia of the Colony of New York, Together with the two Acts therein mentioned, respecting the regulating the Militia of New York with an Addition thereto passed in the Thirty second year of his late Majesty's Reign, shall be and hereby are Continued, and every Clause, Article Matter and thing in the said four Acts Contained, Enacted to be and Remain in full force and Virtue, to all Intents Constructions and purposes whatsoever, from the first Day of January next, until the first Day of January which will be in the year of our Lord One Thousand Seven hundred and Sixty five.

[CHAPTER 1212.]

[Chapter 1212 of Van Schaack, where the title only is printed. Expired January 1, 1765.]

An Act for Collecting the Duty of Excise on Strong Liquors Retailed in this Colony from the first of January One thousand seven hundred and Sixty four, to the first Day of January One thousand Seven hundred and Sixty five Inclusive.

[Passed, December 13, 1763.]

BE IT ENACTED by his Honour the Lieutenant Governor the Council and the General Assembly. and it is hereby Enacted by the Authority of the same, that Cornelius Clopper shall be and hereby is appointed Commissioner for Collecting the Duty of Excise of and from the several Retailors of Strong Liquors within the City and County of New York from the first Day of January One thousand Seven hundred and Sixty four to the first Day of January which will be in the Year one thousand seven hundred and Sixty five Inclusive.

AND BE IT ENACTED by the authority aforesaid that the said Commissioner shall as soon after the publication of this Act



## [CHAPTER 1241.]

[Chapter 1241 of Van Schaack, where the title only is printed. Continued by chapter 1275.]

An Act for Regulating the Militia of the  
Colony of NEW YORK.

[Passed, October 20, 1764.]

WHEREAS a due and Proper Regulation of the Militia of this Colony tends not only to the Security and Defence thereof, but likewise to the Honour and Service of His Majesty.

BE IT THEREFORE ENACTED by His Honour the Lieutenant Governor the Council and the General Assembly, and it is hereby Enacted by the Authority of the same that every Person from Sixteen to Sixty Years of Age, residing within this Colony shall within one Month after he Arrives at the Age of Sixteen, and every sojourner above the same age having resided within this Colony above three Months, shall Inlist himself with the Captain, or in his absence with the next Commanding Officer either of the Troop of Horse, in the City or County where he dwells or resides, or in such Company of Foot who's Captain or next Commanding Officer has the command thereof, in the City, Town, Borough, Manor or Precinct where such Person shall reside or Sojourn under the Penalty of Ten Shillings, and Six Shillings for every Month that such Person shall remain so unlisted after notice given, and all Captains of Troops of Horse and Companies of Foot in the several Cities, Burroughs, Townships, Manors and Precincts of this Colony are hereby commanded to take due care to Inlist all Inhabitants and Sojourners from Sixteen to Sixty Years of Age which Age in case of doubt is to be proved by the Oath of the Person whose Age is in Question, or the Oath of his Parent or some other Credible Witness to be taken by the Officer before whom the dispute shall happen to be who shall Administer the same in the words following.

"I A. B. do Swear upon the Holy Evangelists of Almighty God that, C. D. Summoned before Captain E. F. in Order to be Inlisted is        Years Old and no more according to the best of "my knowledge so help me God." which Oath being duly Administred by the Captain or Other Officer who hath summoned such person before him in Order to be inlisted, and it appearing that he is under Sixteen, he shall be for that time dismissed and if any dispute shall Arise about Elder Persons, and it appearing

that he or they are above the Age of Sixty, such Person or Persons shall be exempted at all times thereafter.

AND BE IT ENACTED by the Authority aforesaid that all Captains of Troops of Horse and Companies of Foot, shall within three months from the Commencement of this Act provide for their Companies and Troops, Drums and Trumpets, Colours and Banners, and Drummers and Trumpeters at the proper Charge of their respective Captains of Troops and Companies under the Penalty of Six Pounds, and for every month such Captain shall Remain unprovided thereof the Sum of Three Pounds.

BE IT ENACTED by the same Authority that the Colonels or Commanding Officers of all Regiments or Battalions, Troops or unregimented Companies within this Colony shall at least once in every year Issue out their Warrants to their inferior Officers, Commanding him or them to make diligent Search and Enquirey in their Several Precincts, that all Persons be duly Listed, Armed and Equipped and to return to them the names of such Defaulters, as he or they shall find, to the end they may be punished according to this Act, and if any Colonel of a Regiment or Battalion or in his absence the next commanding Officer, or any Captain or Commanding Officer of a Troop of Horse or unregimented Company shall neglect his Duty herein; he or they so neglecting shall forfeit the sum of Five Pounds for such neglect or Omission.

AND BE IT FURTHER ENACTED by the authority aforesaid that once in every year Command be given by the Colonel, and in his absence by the next Commanding Officer of the Respective Regiments or Battalions that the several Companies in each Regiment, Battalion and the Troops of Horse and unregimented Companies of the several Counties shall meet at the most convenient places therein to be appointed by the respective Officers, to be then and there Mustered and Exercised, and that every Soldier belonging to the Horse, shall at the time and place commanded appear and be provided with a Good Serviceable Horse not less than fourteen Hands high, covered with a Good saddle, Houlsters Housing, Breastplate, and Crupper, a Case of Good Pistols, a Good Sword, or Hanger, half a pound of Gun Powder and twelve Sizeable Bullets, a Pair of Bocts with suitable Spurrs, and a Carribine well fixed with a good Belt Swivel and Bucket under the Penalty of Ten Shillings for Want of a Sizeable Horse, and the Penalty of five Shillings for want of each

or either of the Articles of the Troopers furniture, and the Troopers in the City and County of New York shall be Cloathed with a Blue Coat and Breeches with Yellow Metal Buttons and a Scarlet Waistcoat, and their Hatts Laced with Gold Lace, and the Troopers for the City and County of Albany shall be Cloathed with Blue Coats, and the Hats shall be Laced with Silver Lace under the Penalty of five Shillings for the want of each Article of such Cloathing: the whole Penalty on a Trooper for the Defaults of one day not to exceed the Sum of Forty Shillings.

AND BE IT PROVIDED AND ENACTED by the Authority aforesaid, That in case of a General Alarm or Invasion all unregimented or Independant Companies and Troops shall in the absence of the Captain General or Commander in Chief, be under the immediate Command and direction of the Colonel and in his absence the next Commanding Officer of the Regiment or Battalion of the City or County where such unregimented or Independant Companies or Troops are or may be, any thing herein to the contrary hereof notwithstanding.

BE IT FURTHER ENACTED by the Authority aforesaid That the Number of the Troop in the City and County of Albany shall be Sixty besides Officers, and the number of all Other Troops in this Colony shall be Fifty Troopers besides Officers, and for a Constant supply of Troopers in each City and County within this Colony where Troops of Horse have been or are in being, whensoever it shall happen by Death or Otherwise, that there be fewer Troopers in Number than are limited by this Act, and the same cannot be supplied by Volunteers, that then the Captain of such Troop shall under his hand certifie unto the Colonel of the Regiment of Foot, or Battalion or in his absence to the next commanding Officer in the City or County where such want shall happen how many Troopers are wanting in his List of the Troop under his Command and thereupon the Said Colonel or next commanding Officer of such Regiment or Battalion shall nominate out of the same, the Number that shall be so wanting as aforesaid PROVIDED that such Person or Persons so nominated by the said Colonel or next Commanding Officer be not under the age of Twenty one years nor above Ten Miles Distant from the place of the Captains place of abode upon which nomination, the Person or Persons so nominated shall within the Space of Three Months, equip themselves as is hereby directed: and every Trooper that shall be so nominated to Serve in any



of the Troops and refusing to equip himself and serve, he shall for such Offence forfeit the Sum of Ten Pounds and upon Payment thereof shall not be liable to any Other or further forfeiture for any Offence respecting the Troop but shall nevertheless be subject to Serve in the Foot Service, as if no such nomination had ever been made, AND all Troopers already Inlisted, or who shall consent to be inlisted in manner as aforesaid, refusing or neglecting to appear shall for every such Offence forfeit the Sum of Ten Shillings for the first Default in not appearing, for the second Default the Sum of fifteen Shillings, and for the third Default Twenty Shillings, and for every Default after the third Twenty Shillings until he doth appear; and every Trooper or Soldier belonging to the Horse shall always have at his Habitation or place of abode One Pound of Gun Powder, and three Pound of Sizeable Bullets on Penalty of Ten Shillings for every Default.

AND BE IT ENACTED by the Authority aforesaid that the Companies of Cadets, and Blue Artillery in the City of New York are to Consist each of One Hundred Men besides Officers; and if the Colonel of the Regiment of the said City, or in his Absence, the next Commanding Officer thereof, doth suspect that the Captain or Captains of the said Companies have Inlisted a Greater Number than is limited above; the Captain of the Company so suspected shall be Obligated within fourteen days after notice to deliver to the Captain General or Commander in Chief a true and Compleat Roll of the Name and Names of all the Persons, he or they have on his or their List and if it thereby appears that more are Inlisted than the Number above mentioned all such Supernumery Men are immediately to be discharged out of such List and the Captain is to give a List of their names to the Colonel or next Commanding Officer aforesaid and the person and Persons so discharged shall within fourteen days thereafter inlist him or themselves in one of the Foot Companies of the said Regiment and such of the persons so discharged as shall Omitt to Inlist himself accordingly shall be Subject to the fines inflicted in this Act on Persons Omittting or Neglecting to inlist in the Militia.

AND BE IT ENACTED by the Authority aforesaid that every Foot Soldier in any the Regiments or Battalions, or Independant Companies of Foot in this Colony shall be Provided with a Good well Fixed Musket or Fuzee, a Good Sword, Belt, and Cartridge

Box, Six Cartridges of Gun Powder and Six Sizeable Bullets and so Provided shall appear when and where Required upon penalty of five Shillings for each Musket or Fuzee not well fixed and for want of a Sufficient Sword, Belt, or Cartridge Box, shall forfeit one Shilling, and the same for want of each Cartridge or Bullet, the whole Penalty for the Default of one person for one day not to exceed Ten Shillings, and the Sufficiency of the Musket or Fusee, Sword Belt, and Cartridge Box to be judged of and determined by the Captain or in his absence the next Commanding Officer of such Company; and every Foot Soldier shall at his Habitation or place of abode have one Pound of good Gun Powder, and three Pounds of sizeable Bullets upon Penalty of Ten shillings for each Soldier of Foot, and if any Soldier of Foot or Horse shall Refuse to shew to his Captain or Person sent by him, or Other Officer for that purpose by this Act appointed all or any of the Equipage, Furniture, or Amunition here mentioned he shall be deemed and esteemed to be unprovided thereof and shall be fined Accordingly.

AND BE IT ENACTED by the Authority aforesaid that upon Notice Given of a General Muster, or of the Review or appearance in the Field of any Particular Troop or Troops Company or Companies no Person whatsoever listed in Horse or Foot in Manner aforesaid shall withdraw himself from that Service or go out of Town without having first acquainted his Captain and in his absence the next Commanding Officer therewith and without his leave or Authority so to do, under the Penalty of Ten Shillings, and no Commission Officer shall remove himself out of Town or withdraw from the Service without leave from his Superior Officer, under the Penalty of Twenty Shillings, and no Sargeant Corporal or Drummer whether of Horse or Foot shall absent themselves in Manner aforesaid under Penalty of Twenty Shillings.

AND BE IT FURTHER ENACTED by the same Authority that no Person or Persons being thereunto required by their Superior and proper Officer shall refuse to be Sargeant Corporal or Drummer in any Troop or Company under the Penalty of Forty Shillings, and in case any Serjeant or Corporal so appointed shall refuse to warn the People to appear under Arms when thereunto Required by his Captain or next commanding Officer, he shall for every such neglect or Refusal forfeit the Sum of Twenty Shillings.

AND BE IT FURTHER ENACTED by the same Authority, that such Articles of Warr, as the Captain General or Commander in Chief for the time being with a General Council of Officers from the several Regiments or Battalions of this Colony shall make and Establish shall by Authority of this Act have full force Virtue and Effect for the Punishment of all Offenders against this Act, and the said Articles, or any thing therein Contained and all Officers and Soldiers of the Militia Horse or Foot within this Colony during such time as they or any of them are under Arms in the Field or upon Watch and Ward or Other Duty they and every of them shall Observe and keep all and every the Articles of Warr so as aforesaid Established and shall pay due Obedience to his and their Superior Officer and Officers, and all his or their Lawfull Commands and all the Colonels of the several Regiments or Battalions, Captains of Troops of Horse, and Unregimented Companies of Foot or Other the next Officer in their Absence are to give out true Copies of said Articles by them Attested or by one Field Officer at the least unto the Respective Officers under them that the same may be Publickly Read once in every Year, at the Head of every Regiment unto the Soldiers while they are in Arms, to the end all Persons Inlisted may the better know and Observe their Several Duties. And if it shall happen that any Officer or Soldier shall at any time whatsoever whether under Arms, Upon Duty or Otherwise Maliciously abuse Affront, or take Revenge or endeavour by Force to take Revenge for any Matter or thing by His or their superior Officer Lawfully done in pursuance of his or their Duty, or of any thing Contained in this Act, the said Officer or Soldier shall be brought before a Court Martial, and shall be tried for the same according to the true intent and meaning of the Articles of Warr, Provided Always that such Punishment shall not extend to the Loss of Life or Limb.

BE IT PROVIDED AND ENACTED by the Authority aforesaid that until such time as the aforementioned Laws and Articles of Warr are established by the said General Court Martial, every Soldier under Arms that shall not give due Obedience to his Superior Officer, shall forfeit the Sum of Ten Shillings for each Offence, and if any person inlisted to Serve either in Horse or Foot, and appearing under arms and during such appearance shall Refuse or neglect to perform such Military Duty as shall be required from him or shall depart from his



Colours or Guard without leave from such Officer, he shall forfeit the Sum of Twenty Shillings and for Nonpayment thereof shall be committed by Warrant from the Captain or Commanding Officer there present of the Company or Troop to which such Offender doth belong to the next Goal, till the said Twenty Shillings be paid with the Prison Charges, and the Sherrieff of each City and County is hereby impowered and Required to Receive the Body or Bodies of all such Offender or Offenders against this Act as shall be brought to him by Vertue of a Warrant or Warrants under the hand and Seal of such Officers as aforesaid, and him or them to keep in safe Custody until such Fees and Fines mentioned in such Warrant are paid. And it is hereby declared, that such Sheriffs or keepers of Goals shall in such Cases as aforesaid be intitled to the same Fees as are allowed in all Other Cases. PROVIDED LIKEWISE that in case of a Military Watch or Night Guard where a Captain doth not Command in Person the Warrant of distress or Warrant of Imprisonment Granted by an inferior Officer who did Command the Guard or Watch, shall be of the same Authority against all Offenders as if the same Warrants were issued by the Captain any thing in this Act to the Contrary thereof in any wise Notwithstanding.

AND BE IT ENACTED by the Authority aforesaid that once every year or oftener, if thereunto required, each particular Captain shall give to his Colonel or in his absence to the next field Officer and such field Officer and the Captains of Unregimented Troops and Companies to the Captain General or Commander in Chief for the time being fair Written Rolls of their respective Regiments Troops and Companies on the Penalty of Forty Shillings for a Field Officer and Twenty shillings for an inferior Commanding Officer, And if any person be wounded or disabled upon any Invasion or in any Other Military Service he shall be taken care of and Provided for by the Publick during the time of such disability.

BE IT ENACTED by the Authority aforesaid that the several Fines Penalties and forfeitures in this Act mentioned shall be levied recovered and disposed of as followeth (That is to say) That all such forfeitures as do relate to any person under the degree of a Captain shall be adjudged by, and be taken to the Respective Captains to defray the Charges of their Troops and Companies, and to be levied before the next exercising day by

distress and Sale of the Offenders Goods by the Captain's Warrant directed to the Sergeant or Corporal of the Company wherein said Offence was Committed, but if the Offender be a Servant or under his Parents care then and in such case the Master's or Parents Goods shall be liable to such distress and Sale as aforesaid till satisfaction be made, and if any Serjeant or Corporal shall Refuse to Execute such Warrant so to him directed such Serjeant or Corporal shall for every such Offence forfeit for the uses abovementioned the Sum of Forty Shillings to be levied in Manner before Expressed by such Other Officer Serjeant or Corporal as such Warrant shall be directed to, and for all Other Penalties and forfeitures in this Act mentioned the same shall be Levied by distress and Sale of Offenders Goods by Warrant from the Colonel or the next field Officer where such Offenders are, One half to such Colonel or field Officer, and the Other half for the use and Benefit of the Regiment or Battalion in the City and County where the Offence is Committed and if the Fines that relate to Persons under the degree of a Captain shall not amount to a Sum sufficient to defray the Charges of Captains of Troops and Companys that then what is Wanting shall and may be levied upon the several Soldiers equally by Warrant of the Colonel or Chief Officer of the Regiment or Battalion, Troops or Companies, and if no Goods are to be found whereon to distrain, the person Offending is to be sent to the next Goal there to Remain till Satisfaction be given and the Prison fees paid, and the Serjeants, Corporals or Clerk of the Regiment or Battalion are to reserve to themselves out of each distress or forfeiture the sum of Three Shillings for Executing each Warrant from their Captain or Other superior Officer.

AND BE IT FURTHER ENACTED by the Authority aforesaid that no Person whatsoever do Presume to fire any Small Arms after Eight of the Clock at night unless in case of Alarm or Insurrection, in which case four Muskets or Small Arms distinctly fired or where Great Guns are the firing of one Great Gun and two Musketts or Small Arms distinctly and beating of a Drum shall be taken for an Alarm, which shall be continued along from place to place, throughout the Colony; and every Person that shall Neglect his duty in taking and forwarding the Alarm by firing or Beating Drum as aforesaid, or that shall fire Arms after Eight O'Clock at night shall be fined or Punished at the Discretion of a Court Martial not extending to Life or Limb;

and in case of an Alarm every Soldier is immediately to repair Armed to his Colours or Parade on Penalty of Five Pounds; which Parade shall be understood to be the Habitation of his respective Captain, unless it shall be Otherwise Ordered and appointed; and for the better prevention of false Alarms, no Captain Master or Commander of any Ship or Vessel, riding at Anchor in any of the Rivers Harbours or Bays of this Colony, nor any Other person shall fire any Gun or Beat any Drum after Eight O'Clock at Night under the Penalty of Twenty Shillings for every Gun so fired or Drum Beaten to be levied by Warrant as afore directed from the Chief Officer of the Regiment or Battalion next adjoining not under the Degree of a Captain, who is hereby empowered to have Jurisdiction thereof, and to Administer an Oath, and give Judgment thereupon, and to direct distress and Sale of the Offenders Goods, and for want of such distress the said Chief Officer is empowered to Commit such Offender to Goal, there to remain until payment be made of the same; and the Captain, Commander or Master of any Vessel from whence such Gun or Guns shall be fired, shall be deemed and understood to be the Offender in this respect, and in case the Chief Officer of the Regiment or Battalion or Captain aforesaid shall not perform his Duty herein, he shall forfeit Three Pounds to be Levied by Warrant from the Captain General or Commander in Chief for the time being.

AND BE IT FURTHER ENACTED that all Drummers and Trumpeters lately in Service or that shall be put in Service by the several Captains during pleasure shall serve upon the Salary of Forty Shillings per Annum for a Trumpeter and Twenty Shillings per Annum for a Drummer finding their Trumpet or Drum, and Twenty shillings for a Trumpeter and Ten shillings for a Drummer if the Captain do provide the Drum or Trumpet; and each Drummer or Trumpeter refusing to serve to forfeit Forty shillings to be levied in Manner aforesaid, ALWAYS PROVIDED that all the Members of His Majesty's Council, and Members of the General Assembly, Justices of the Peace, High Sheriffs, Coroners and Other Civil Officers of His Majesty's Government in this Colony, and all Other Officers of Courts, Ministers of the Gospel, School Masters, Physicians Surgeons and one miller to a Grist Mill shall be free from being listed in any Troop or Company within this Colony and neither this Act nor any thing therein contained shall be construed or taken to allow any



Indian or Negro Slave to be listed or do any duty belonging to the Militia in this Colony unless it be to be Drummers, Trumpeters or Pioneers.

AND BE IT ENACTED by the Authority aforesaid that no Commission Officer of the Militia of this Colony Legally Superceeded shall afterwards be Obligated to the duty of a Private Soldier unless he be Casheered for Cowardise by a Court Martial or for some Other Notorious Offence, nor shall it be in the power of any Commission Officer to throw up or Quit his Commission unless he is superceeded in his Rank, until he have served in Commission fifteen Years at the least, any thing in this Act to the Contrary thereof Notwithstanding.

BE IT ENACTED by the Authority aforesaid that no Military Commission Officer, as well of Foot Companies or Troops of Horse whether Regimented or Independent, as likewise the Troopers in the City and County of New York shall be liable or subject to serve as Constable tho' Chosen any Law or usage to the Contrary notwithstanding. PROVIDED NEVERTHELESS that a Commission Obtained by any Person after he is Elected a Constable shall not entitle him to the Exemption beforementioned.

BE IT FURTHER ENACTED by the Authority aforesaid that if any person or Persons shall be Sued, Molested, or impleaded for any Matter or thing Lawfully done and Commanded in the Execution and performance of this Act, he or they shall plead the General Issue, and give this Act in Evidence and if the Plaintiff discontinue his Action, be non-suited or Verdict pass against him the Defendant shall recover treble Costs, nor shall any such Suit or Suits be admitted or allowed to be brought unless it be done within three Months next after the Offence is committed.

AND BE IT ENACTED that nothing in this Act contained shall be intended or Construed to derogate from or in any wise lessen or diminish the powers or Authorities lodged and Vested in the Captain General or Commander in Chief for the time being by His Majesty's Letters Patent, Commission or Other power whatsoever, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

AND BE IT ENACTED by the Authority aforesaid that this Act and every Clause Article and thing therein contained shall commence from the first day of January next and remain of full

force and Virtue until the first day of January which will be in the year of Our Lord One thousand Seven Hundred and Sixty Six.

[CHAPTER 1242.]

[Chapter 1242 of Van Schaack, where the title only is printed. See chapter 1196. Continued and amended by chapter 1408.]

An Act to Continue An Act Entitled An Act for the punishment of Persons in the City of New York, who shall by false pretences Obtain any goods, wares, or Merchandizes from any person with intent to Cheat or Defraud such person.

[Passed, October 20, 1764.]

BE IT ENACTED by his Honour the Lieutenant Governour, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, That the Act Entitled An Act, for the Punishment of persons in the City of New York who shall by false pretences Obtain any Goods, Wares or Merchandizes from any person with intent to Cheat or Defraud such person passed in the third Year of His Majesty's Reign shall be and is hereby continued in full force and Vertue to all intents and purposes, from the first day of January next until the first day of January which will be in the year of Our Lord One Thousand Seven Hundred and Seventy

[CHAPTER 1243.]

[Chapter 1243 of Van Schaack, where the act is printed in full. See chapter 1051.]

An Act further to continue An Act Entitled "an Act to prevent the Exportation of " Unmerchantable Flour and the false Taring " of Bread and flour Cask " together with the Act therein mentioned.

[Passed, October 20, 1764.]

WHEREAS an Act Entitled "An Act to prevent the Exportation of unmerchantable Flour, and the false Taring of Bread and Flour cask," and An Act, Entitled "An Act further to continue An Act Entitled an act to prevent the Exportation of " unmerchantable Flour, and the false Taring of Bread and flour " Cask," will determine and expire on the first day of January next; and the said Acts having been found by experience to be

## [CHAPTER 1275.]

[Chapter 1275 of Van Schaack, where the title only is printed. See chapter 1241. Continued by chapter 1303.]

An Act to Continue An Act Entituled  
An Act for Regulating the Militia of the  
Colony of New York.

[Passed, December 23, 1765.]

BE IT ENACTED by his Excellency the Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the same, that the aforesaid Act Entituled An Act for Regulating the Militia of the Colony of New York passed in the fourth year of his present Majesty's Reign, shall be and hereby is Continued; and every Clause, Article, and matter in the said Act Contained, Enacted to be and Remain in full force and Virtue to all Intents Constructions and purposes whatsoever from the first day of January next until the first day of January which will be in the year of our Lord one thousand Seven hundred and Sixty Seven.

## [CHAPTER 1276.]

[Chapter 1276 of Van Schaack, where the title only is printed. Expired January 1, 1767.]

An Act for Collecting the Duty of Excise  
on Strong Liqueurs retailed in this Colony  
from the first day of January One thousand  
Seven hundred and Sixty six, to the first day  
of January, one thousand Seven hundred and  
sixty Seven Inclusive.

[Passed, December 23, 1765.]

BE IT ENACTED by his Excellency the Governor, the Council and the General Assembly, And it is hereby Enacted by the Authority of the same that Cornelius Clopper shall be and hereby is appointed Commissioner for Collecting the duty of Excise of and from the several Retailers of Strong Liqueurs within the City and County of New York, from the first day of January One thousand Seven hundred and Sixty six to the first day of January which will be in the year of our Lord One thousand seven hundred and Sixty seven inclusive.

AND BE IT ENACTED by the Authority aforesaid that the said Commissioner shall as soon after the Publication of this act



UNTO Major Thomas James or his Order, the sum of One thousand seven hundred and forty five Pounds Fifteen shillings and two pence half penny sterling money of Great Britain at the Current Exchange, in full compensation for his Losses sustained On the first of November One thousand seven hundred and sixty five.

UNTO Andrew Gautier or his Order the sum of Four hundred and four pounds six shillings and five pence, in full Compensation for the damages done to the House of Samuel Francis on the said first day of November One thousand seven hundred and Sixty five

UNTO Jonathan Mallet or his Order the sum of Thirty six Pounds in full Compensation for the Damages by him sustained at the time aforesaid.

UNTO Henry Van Schaack or his order the sum of One hundred and three pounds one shilling and six pence in full compensation for the Damages he sustained on the sixth of January last near the City of Albany by means of the disturbances aforesaid.

AND BE IT ENACTED by the Authority aforesaid that the Treasurer shall and he is hereby directed to keep exact Books of the several Payments which he is directed to make by this Act, and shall Render true and distinct accounts thereof upon Oath to his Excellency the Governor or Commander in Chief for the time being the Council, or the General Assembly, when by them or any of them thereunto required.

See also original p. 916.

#### [CHAPTER 1303.]

[Chapter 1303 of Van Schaack, where the title only is printed. See chapter 1275.]

An Act further to Continue an Act  
Entitled, An Act for Regulating the Militia  
of the Colony of New York.

[Passed, December 19, 1766.]

BE IT ENACTED by his Excellency the Governor the Council, and the General Assembly, And it is hereby Enacted by the authority of the same, that the aforesaid act entitled, an act for Regulating the Militia of the Colony of New York, Passed in the fourth year of his Present Majesty's Reign, shall be and hereby is Continued, and every Clause article and matter, in the said act contained, Enacted to be and remain in full force and virtue,

to all Intents Constructions and purposes whatsoever, from the first day of January next, until the first Day of January which will be in the year of our Lord One thousand Seven hundred and Sixty-eight.

[CHAPTER 1304.]

[Chapter 1304 of Van Schaack, where the title only is printed. Expired January 1, 1768.]

An Act for Collecting the Duty of Excise on Strong Liquors Retailed in this Colony from the First Day of January, One thousand Seven hundred and Sixty seven, to the first Day of January One thousand Seven hundred and sixty Eight Inclusive.

[Passed, December 19, 1766.]

BE IT ENACTED by his Excellency the Governor the Council and the General Assembly, AND it is hereby Enacted by the Authority of the same, that Cornelius Clopper shall be and hereby is appointed Commissioner for Collecting the Duty of Excise of and from the several Retailers of Strong Liquors within the City and County of New York; from the first day of January One thousand Seven hundred and Sixty seven, to the first day of January which will be in the year of our Lord One thousand seven hundred and sixty Eight.

AND BE IT ENACTED by the authority aforesaid that the said Commissioner shall as soon after the Publication of this act as he shall judge Convenient, appoint the several Retailers within the said City and County and direct and ascertain what each Retailer shall pay for the said Duty from the first day of January One thousand Seven hundred and sixty seven to the first day of January One thousand seven hundred and sixty Eight inclusive, ALWAYS PROVIDED that the whole sum so to be laid on the several Retailers in the said City and County shall be the full and entire sum of eight hundred pounds with the additional sum of One hundred pounds for incidental Charges and his Commissions, which last is to be at the rate of five per Cent: for which said sum of One hundred pounds he shall account on Oath to the Mayor aldermen and Commonalty of the City of New York, when by them thereunto required: And if it exceeds his Commissions and incidental Charges the surplus thereof shall be applied in ease of the next years Excise, and the said sum of Eight hundred pounds shall by the said Commissioner be paid unto the

## [CHAPTER 1325.]

[Chapter 1325 of Van Schaack, where the act is printed in full. See chapters 676 and 933.]

An Act to revive an Act, Intitled "An Act for laying an Excise on all strong Liquors retailed in this Colony."

[Passed, December 24, 1767.]

WHEREAS an Act, intitled, "an Act for laying an Excise on all Strong Liquors retailed in this Colony;" passed in the twelfth Year of the Reign of her late Majesty Queen Anne; and by several subsequent Acts continued to the first Day of November, in the Year of our Lord one thousand seven hundred and sixty seven; is now expired; and the same having from long Experience been found usefull and necessary: and the General Assembly therefore pray that it may be enacted: and

Be it enacted by his Excellency the Governor, the Council, and the General Assembly and it is hereby enacted by the Authority of the same; that the before mentioned Act, Intitled, "an Act for laying an Excise on all strong Liquors retailed in this Colony;" shall be and hereby is revived and every Clause, Article and thing therein contained: enacted to be and remain of Force from the publication hereof until the first day of November one thousand seven hundred and Eighty.

## [CHAPTER 1326.]

[Chapter 1326 of Van Schaack, where the title only is printed. Expired January 1, 1769. Provided for by chapter 1541.]

An Act further to Continue An Act Entitled "An Act for Regulating the Militia of the Colony of New York."

[Passed, December 24, 1767.]

BE IT ENACTED by His Excellency the Governor, the Council and the General Assembly, and it is hereby Enacted by the Authority of the Same, that the aforesaid Act Entitled "An Act for Regulating the Militia of the Colony of New York" passed in the fourth Year of His present Majesty's Reign, shall be and hereby is Continued; and every Clause, Article Matter and thing in the said Act contained, ENACTED to be and remain in full force and Virtue, to all intents, constructions and purposes whatsoever until the first day of January which will be in the year of Our Lord One thousand Seven Hundred and Sixty Nine



fifth Day of January one thousand seven hundred and seventy, entitled "An Act for making a further Provision of two thousand Pounds for furnishing his Majesty's Troops quartered in this Colony with Necessaries for one year," which sum of one thousand Pounds, the Treasurer is hereby directed and required to pay (after the other Grants out of this Fund are paid) on Warrant or Warrants to be drawn for that purpose by his Excellency the Governor or Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's Council.

UNTO Elisha Gallaudet for cutting the Stamps for the new Loan Office Money, the Sum of twenty two Pounds one shilling.

AND BE IT FURTHER ENACTED that the Treasurer shall and is hereby directed to place the sum of one hundred and fifty five Pounds ten Shillings and six pence part of the Sum of three hundred Pounds allowed to Hugh Gaine in this Act to the Account of the Interest of the Loan Office Money any Thing herein contained to the Contrary notwithstanding.

AND BE IT FURTHER ENACTED by the Authority afore-said That the Treasurer shall and he is hereby directed to keep exact Books of his several Receipts and payments in virtue of this Act, and shall render true and distinct Accounts thereof upon Oath to his Excellency the Governor or Commander in Chief for the Time, the Council or the General Assembly when by them or any of them thereunto required.

#### [CHAPTER 1541.]

[Chapter 1541, of Van Schaack. where the act is printed in full.]

#### AN ACT for regulating the Militia of the Colony of New York.

[Passed, March 24, 1772.]

WHEREAS a due and proper Regulation of the Militia of this Colony tends not only to the security and Defence thereof, but likewise to the Honor and Service of his Majesty.

BE IT THEREFORE ENACTED by his Excellency the Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, that every Person from sixteen to fifty Years of Age residing within this Colony shall within one Month after he arrives at the Age of sixteen, and every sojourner above the same Age having resided within this Colony above three Months, shall inlist himself with the Captain, or in his absence with the next Commanding Officer either of

the Troop of Horse in the City or County where he dwells or resides, or in such Company of Foot, whose Captain or next Commanding Officer has the Command thereof in the City, Town, Borough, Manor or Precinct where such person shall reside or sojourn under the Penalty of five Shillings, and three Shillings for every Month that such Person shall remain so unlisted after Notice given: and all Captains of Troops of Horse, and Companies of Foot in the several Cities, Boroughs, Townships, Manors and Precincts of this Colony, are hereby commanded to take due Care to inlist all Inhabitants and Sojourners from sixteen to fifty Years of age, which Age in Case of Doubt is to be proved by the Oath of the Person whose Age is in Question, or the Oath of his Parent, or some other credible Witness to be taken by the Officer before whom the Dispute shall happen to be, who shall administer the same in the Words following, "I A. B. do swear upon the Holy Evangelists of Almighty God, "that C. D. summoned before Captain E. F. in order to be in-  
 "listed is                      Years old, and no more, according to the  
 "best of my knowledge, so help me God." which Oath being duly administered by the Captain or other Officer who hath summoned such Person before him in order to be inlisted, and it appearing that he is under sixteen, he shall be for that Time dismissed; and if any Dispute shall arise about elder Persons, and it appearing that he or they are above the Age of fifty, such Person or Persons shall be exempted at all Times thereafter.

AND BE IT ENACTED by the Authority aforesaid that all Captains of Troops of Horse and Companies of Foot shall within three Months from the Commencement of this Act, provide for their Companies and Troops, Drums and Trumpets, Colours and Banners, and Drummers and Trumpeters at the proper Charge of their respective Captains of Troops and Companies under the Penalty of Three Pounds, and for every Month such Captain shall remain unprovided thereof, the sum of two Pounds.

BE IT ENACTED by the same Authority, That the Colonels or Commanding Officers of all Regiments or Battalions, Troops, or unregimented Companies within this Colony shall at least once in every Year issue out their Warrants to their Inferior Officers commanding him or them to make diligent Search and Enquiry in their several Precincts that all Persons be duly listed, armed and equipped, and to return to them the Names of such Defaulters as he or they shall find, to the End they may be punished according to this Act.

AND BE IT FURTHER ENACTED by the Authority aforesaid. That twice in every Year command be given by the Colonel, and in his absence by the next Commanding Officer of the respective Regiments or Battalions, that the several Companies in each Regiment or Battalion, and the Captains or next Commanding Officers of the several Troops of Horse and Independent Companies of the several Cities and Counties shall meet at the most convenient places therein to be appointed by the respective Officers commanding the Regiment to be then and there mustered and exercised, and that every Soldier belonging to the Horse shall at the Time and place commanded, appear and be provided with a good serviceable Horse not less than fourteen Hands high, covered with a good Saddle, Houlsters, Housing, Breast-plate, and Crupper, a Case of good Pistols, a good sword or Hanger, half a Pound of Gun Powder, and twelve sizeable Bullets, a pair of Boots, with suitable Spurrs, and a Carabine well fixed, with a good Belt, Swivel and Bucket, under the Penalty of ten shillings for want of a sizeable Horse, and the Penalty of five Shillings for want of each or either of the Articles of the Troopers Furniture, and the Troopers in the City and County of New York shall be cloathed with a Blue Coat and Breeches, with yellow Metal Buttons, and a scarlet Waistcoat, and their Hats laced with Gold Lace: And the Troopers for the City and County of Albany, shall be cloathed with blue Coats and the Hats shall be laced with silver Lace under the Penalty of five shillings for the Want of each Article of such Cloathing, the whole Penalty on a Trooper for the Defaults of one Day not to exceed the Sum of forty shillings.

AND BE IT PROVIDED AND ENACTED by the Authority aforesaid that in Case of a general Alarm or Invasion all unregimented or Independant Companies and Troops shall in the Absence of the Captain General or Commander in Chief, be under the immediate Command and direction of the Colonel, and in his Absence the next commanding Officer of the Regiment or Battalion of the City or County where such unregimented or Independant Companies or Troops are or may be, any Thing herein to the contrary hereof notwithstanding.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the Number of the Troopers in each Company in the City and County of Albany shall be sixty besides Officers; and the Number of all other Troops in this Colony shall be fifty Troopers besides Officers; and for a constant supply of Troopers



in each City and County within this Colony where Troops of Horse have been, or are, or shall be whensoever it shall happen by Death or otherwise, that there be fewer Troopers in Number than are limited by this Act, and the same cannot be supplied by Volunteers, that then the Captain of such Troop shall under his Hand certify unto the Colonel of the Regiment of Foot or Battalion, or in his absence to the next Commanding Officer in the City or County where such Want shall happen, how many Troopers are wanting in his List of the Troop under his Command and thereupon the said Colonel or next Commanding Officer of such Regiment or Battalion shall nominate out of the same the Number that shall be so wanting as aforesaid. PROVIDED that such Person or Persons so nominated by the said Colonel or next Commanding Officer, be not under the Age of twenty one Years, nor above ten Miles distant from the place of the Captains abode: upon which nomination the Person or Persons so nominated shall within the space of three Months equip themselves as is hereby directed. And every Trooper that shall be so nominated to serve in any of the Troops, and refusing to equip himself and serve, he shall for such Offence forfeit the sum of five Pounds, and upon payment thereof shall not be liable to any other or further Forfeiture for any Offence respecting the Troop but shall nevertheless be subject to serve in the Foot service as if no such Nomination had ever been made. And all Troopers already inlisted or who shall consent to be inlisted in manner as aforesaid refusing or neglecting to appear shall for every such Offence forfeit the sum of ten shillings for the first Default in not appearing, for the second Default the sum of fifteen shillings, and for the third Default twenty shillings, and for every Default after the third twenty shillings until he doth appear; and every Trooper or Soldier belonging to the Horse, shall always have at his Habitation or Place of abode, one Pound of Gun Powder, and three Pounds of sizeable Bullets, on Penalty of ten Shillings for every Default.

AND BE IT ENACTED by the Authority aforesaid that the Companies of Cadets, and Blue Artillery in the City of New York are to consist each of one hundred Men besides Officers, and if the Colonel of the Regiment of the said City or in his Absence the next Commanding Officer thereof, doth suspect that the Captain or Captains of the said Companies have inlisted a greater Number than is limited above, the Captain of the Company so suspected shall be obliged within fourteen Days after Notice to deliver to the Captain General or Commander

in Chief, a true and compleat Roll of the Name and Names of all the Persons he or they have on his or their List: And if it thereby appears that more are inlisted than the Number above-mentioned, all such Supernumerary Men are immediately to be discharged out of such List, and the Captain is to give a List of their Names to the Colonel or next Commanding Officer aforesaid, and the person and persons so discharged shall within fourteen Days thereafter inlist him or themselves in one of the Foot Companies of the said Regiment, and such of the persons so discharged as shall omit to inlist themselves accordingly, shall be subject to the Fines inflicted in this Act, on persons omitting or neglecting to inlist in the Militia.

AND BE IT ENACTED by the Authority aforesaid, that every Foot Soldier in any of the Regiments or Battalions, or Independant Companies of Foot in this Colony, shall be provided with a good well fixed Musket or Fuzee, a good Sword, Belt and Cartridge Box, six Cartridges of Gun Powder, and six sizeable Bullets, and so provided shall appear when and where required upon Penalty of five shillings for each Musket or Fuzee not well fixed, and for want of a sufficient sword, Belt, or Cartridge Box shall forfeit one shilling, and the same for want of each Cartridge or Bullet, the whole penalty for the Default of one Person for one Day not to exceed ten shillings, and the sufficiency of the Musket or Fuzee, Sword, Belt, and Cartridge Box to be judged of and determined by the Captain, or in his Absence the next commanding Officer of each Company, and every Foot soldier shall at his Habitation or place of abode have one Pound of good Gun Powder, and three Pound of sizeable Bullets upon Penalty of ten shillings for each soldier of Foot, and if any Soldier of Foot or Horse shall refuse to shew to his Captain or person sent by him, or other Officer for that purpose by this Act appointed, all or any of the Equipage, Furniture or Ammunition herein mentioned, he shall be deemed and esteemed to be unprovided thereof, and shall be fined accordingly.

AND BE IT ENACTED by the Authority aforesaid, that upon Notice given of a general Muster, or of the Review or Appearance in the Field of any particular Troop or Troops Company or Companies, no person whatsoever inlisted in Horse or Foot in manner aforesaid, shall withdraw himself from that Service without having first acquainted his Captain, and in his Absence the next Commanding Officer therewith, and without

his leave or authority so to do, under the Penalty of ten shillings, and no Commission Officer shall remove himself out of Town or withdraw from the Service without Leave from his superior Officer, under the Penalty of twenty Shillings, and no sergeant, Corporal or Drummer whether of Horse or Foot, shall absent themselves in Manner aforesaid under Penalty of twenty Shillings.

AND BE IT FURTHER ENACTED by the same Authority, that no Person or Persons being thereunto required by their Superior and proper Officer shall refuse to be Sergeant, Corporal or Drummer in any Troop or Company under the Penalty of forty Shillings and in Case any Sergeant or Corporal so appointed shall refuse to warn the people to appear under Arms when thereunto required by his Captain or next Commanding Officer, he shall for every such Neglect or Refusal forfeit the Sum of twenty Shillings.

AND BE IT FURTHER ENACTED by the same Authority that every Soldier under Arms that shall not give due Obedience to his Superior Officer shall forfeit the sum of ten shillings for each Offence, and if any Person enlisted to serve either in Horse or Foot, and appearing under Arms, and during such Appearance shall refuse or neglect to perform such Military Duty as shall be required from him, or shall depart from his Colours or Guard without Leave from such Officer, he shall forfeit the Sum of twenty Shillings, and for nonpayment thereof shall be committed by Warrant from the Captain or Commanding Officer there present of the Company or Troop to which such Offender doth belong to the next Goal till the said twenty shillings be paid with the Prison Charges, and the Sheriff of each City and County is hereby empowered and required to receive the Body or Bodies of such Offender or Offenders against this Act as shall be brought to him by virtue of a Warrant or Warrants under the Hand and Seal of such Officers as aforesaid, and him or them to keep in safe Custody until such Fees and Fines mentioned in such Warrant are paid, and it is hereby declared that such sheriffs or keepers of Goals shall in such Cases as aforesaid be entitled to the same Fees as are allowed in all other Cases. PROVIDED LIKEWISE that in Case of a Military Watch or Night Guard where a Captain doth not command in person, the Warrant of Distress or Warrant of Imprisonment granted by an inferior Officer, who did command the Guard or Watch, shall be of the same Authority against all Offenders, as if the same Warrants were issued by the Captain, any Thing in this Act to the contrary thereof in any wise notwithstanding.



AND BE IT ENACTED by the Authority aforesaid. That the several Fines Penalties and Forfeitures in this Act mentioned shall be levied recovered and disposed of as followeth that is to say, that all such Forfeitures as do relate to any person under the Degree of a Captain shall be adjudged by and be taken to the respective Captains, to defray the Charges of their Troops and Companies and to be levied before the next exercising Day, by Distress and Sale of the Offenders Goods, by the Captains Warrant directed to the Sergeant or Corporal of the Company wherein said Offence was committed: But if the Offender be a Servant or under his Parents Care, then in such Case the Master's or Parents Goods shall be liable to such Distress and Sale as aforesaid, 'till Satisfaction be made, and if any Sergeant or Corporal shall refuse to execute such Warrant so to him directed, such Sergeant or Corporal shall for every such Offence forfeit for the uses abovementioned the sum of forty Shillings to be levied in Manner before expressed by such Other Officer, Sergeant or Corporal as such Warrant shall be directed to, and for all other Penalties and Forfeitures in this Act mentioned, the same shall be levied by Distress and Sale of the Offenders Goods, by Warrant from the Colonel or the next Field Officer where such Offenders are, which Forfeiture and Penalties shall be for the use and Benefit of the Regiment or Battalion in the City and County where the Offence is committed, and if the Fines that relate to Persons under the Degree of a Captain shall not amount to a Sum sufficient to defray the Charges of Captains of Troops and Company, that then what is wanting shall and may be levied upon the several Soldiers equally by Warrant of the Colonel or Chief Officer of the Regiment or Battalion, Troops or Companies, and if no Goods are to be found whereon to distrain, the Person Offending is to be sent to the next Goal there to remain till Satisfaction be given and the Prison Fees paid, and the Sergeants, Corporals or Clerk of the Regiment or Battalion are to reserve to themselves out of the Distress or Forfeiture the sum of three Shillings for executing each Warrant from their Captain or other superior Officer.

AND BE IT FURTHER ENACTED That all Drummers and Trumpeters lately in service, or that shall be put in service by the several Captains during pleasure, shall serve upon the Salary of forty shillings per Annum for a Trumpeter and twenty shillings for a Drummer, finding their Trumpet or Drum: and twenty Shillings for a Trumpeter, and ten Shillings for a Drummer, if the Captain do provide the Drum or Trumpet, and each Drummer

or Trumpeter refusing to serve to forfeit forty shillings to be levied in Manner aforesaid, ALWAYS PROVIDED. That all the Members of his Majesty's Council and Members of the General Assembly, Justices of the Peace, High Sheriffs, Coroners, and other Civil Officers of his Majesty's Government in this Colony, and all other Officers of Courts, Ministers of the Gospel, School-masters, Physicians, Surgeons all Firemen within this Colony and one Miller to a Grist-Mill, shall be free from being listed in any Troop or Company within this Colony.

AND BE IT ENACTED by the Authority aforesaid. That no Commission Officer of the Militia of this Colony legally superseded, shall afterwards be obliged to do the Duty of a Private Soldier, unless he be casheered for Cowardice, nor shall it be in the Power of any Commission Officer to throw up or Quit his Commission, unless he is superseded in his Rank, until he has served in Commission fifteen Years at the least, any Thing in this Act to the contrary thereof notwithstanding.

AND BE IT ENACTED by the Authority aforesaid That no Military Commission Officer, as well of Foot Companies or Troops of Horse, whether Regimented or Independent as likewise the Troopers in the City and County of New York shall be liable or subject to serve as Constable tho' chosen, any Law or usage to the contrary notwithstanding. PROVIDED NEVERTHELESS, That a Commission obtained by any Person after he is elected a Constable, shall not entitle him to the Exemption abovementioned.

AND BE IT ENACTED by the Authority aforesaid that in Case of any Alarm, Invasion, Insurrection or Rebellion, every Officer of the Militia shall have full power and Authority by virtue of this Act, and is hereby required forthwith to raise the Militia or Company under his Command and to send immediate Intelligence to the Commanding Officer of the Regiment to which he belongs, who also are hereby required and commanded to send forwards the Intelligence forthwith to the Commanding Officers of the next adjacent Counties, informing him and them at the same Time, in what Manner he intends to proceed: and every Commanding Officer in every County upon any Alarm or receiving Intelligence of any Insurrection, Invasion or Rebellion shall forthwith dispatch an Express to the Governor or Commander in Chief for the Time being notifying the Danger, and shall therewith signify the Strength and Motions of the Enemy, & the said Commanding Officer hath hereby full Power to impress Boats and Hands, Men and Horses, as the Services may

require, and shall draw together the Militia of his County, and march them to such place or places as he shall judge most convenient for opposing the Enemy, and to such Place or Places within this Colony, as shall be directed by the Governor or Commander in Chief for the Time being and every Captain or other Commission Officer under the Degree of Major, that shall neglect or refuse to perform his Duty hereby required shall forfeit the Sum of twenty Pounds: and every non Commission Officer or Private Man for his Neglect or Refusal of such Duty shall forfeit the sum of five Pounds, and every Commission Officer besides paying such Forfeiture shall be degraded, and rendered incapable thereafter of holding or exercising any Office Civil or Military within this Colony.

AND WHEREAS the County of Suffolk is so scituated that a Descent may be made on the Eastern Part thereof by water, and the said County being extensive, the remote Parts which are most exposed, are generally at a great Distance from the Colonel or Commanding Officer of the Regiment, and consequently the waiting for Orders from the said Commanding Officer may greatly expose such remote Places to the Ravages of small Parties of the Enemy.

BE IT THEREFORE ENACTED That the Captains or next Commanding Officer of the several and respective Companies within the said County, nearest to any place where such Descent may happen to be made, shall immediately call together his or their Company or Companies and forthwith proceed to use their utmost endeavours to repel and drive off, the Enemy, and on the first Notice of such Descent, shall dispatch an Express to the Commanding Officer of the Regiment of the said County, with Intelligence thereof and of the Number and Motions of the Enemy, according to the best Information he or they shall have obtained, any Thing herein before contained to the contrary notwithstanding.

BE IT FURTHER ENACTED by the Authority aforesaid. That if any Person or Persons shall be sued, molested or impleaded for any Matter or Thing lawfully done and commanded in the Execution and performance of this Act, he or they shall plead the general Issue, and give this Act in Evidence, and if the Plaintiff discontinue his Action, be nonsuited, or Verdict pass against him, the Defendant shall recover treble Costs, nor shall any such suit or suits be admitted or allowed to be brought unless it be done within three Months next after the Offence is Committed.



AND BE IT ENACTED by the Authority aforesaid. That once every Year and oftner if thereunto required, each particular Captain shall give to his Colonel or in his absence to the next Field Officer, and such Field Officer and the Captains of unregimented Troops and Companies, to the Captain General or Commander in Chief for the Time being fair Written Rolls of their respective Regiments, Troops and Companies on the Penalty of forty Shillings for a Field Officer and twenty shillings for an inferior Commanding Officer, and if any Person be wounded or disabled upon any Invasion, or in any other Military Service, he shall be taken care of, and provided for by the Public during the Time of such Disability.

AND BE IT FURTHER ENACTED by the same Authority. That the Majority of the Officers in the Regiment on the south Side of the Mountains in Orange County shall before any Training or meeting of the said Regiment assemble and agree by a Majority of Voices on a convenient place as near the Center as shall be for the good of the Public Service which place of Training so agreed on and fixed shall be afterwards notified to the respective Companies by an Instrument under the Hand of such Majority, and read by the Captain or his Order at the Head of each respective Company.

PROVIDED ALWAYS and be it enacted by the Authority aforesaid, That all persons above the Age of fifty and not exceeding sixty years of Age shall in Case of Alarm, Invasion or Insurrection be obliged to appear under Arms under the Captain or the Commanding Officer of the District where they dwell or reside, any Thing herein contained to the contrary thereof in any wise notwithstanding.

AND BE IT ENACTED by the Authority aforesaid That this Act and evry Clause Article and Thing therein contained shall commence from the first Day of May next, and remain of full force and virtue until the first Day of May, which will be in the Year of our Lord one thousand seven hundred and seventy four.

#### [CHAPTER 1542.]

[Chapter 1542, of Van Schaack, where the act is printed in full. See chapters 411 and 856.]

An Act more effectually to prevent private Lotteries.

[Passed, March 24, 1772.]

WHEREAS the Laws now in being for the suppression of Private Lotteries have been found ineffectual to answer the salu-

## [CHAPTER 1700.]

[Expired, April 30, 1778.]

An Act for the better regulating the Militia  
of the Colony of New York.

[Passed, April 1, 1775.]

WHEREAS a due and proper regulation of the Militia of this Colony tends not only to the Security and Defence thereof, but likewise to the Honor and Service of his Majesty,

*Be it therefore Enacted by his Honor the Lieutenant Governor, the Council and the General Assembly, And it is hereby enacted by the Authority of the same, That from and after the First Day of May next every Person from Sixteen to Fifty Years of Age, residing within this Colony not already inlisted shall within one Month after he Arrives at the Age of Sixteen, and every Sojourner above the same Age having resided within this Colony above three Months shall inlist himself with the Captain, or in his Absence with the next Commanding Officer either in the Troop of Horse or Independent Companies in the City or County, or in such Company of Foot where he dwells or resides under the Penalty of Five Shillings, and Three Shillings for every Month that such Person shall remain unlisted, and all Captains of Troops of Horse and Companies of Foot in the several Cities, Manors, Boroughs, Townships, Precincts or District within this Colony are hereby commanded to take due Care to inlist all Inhabitants and Sojourners from Sixteen to Fifty Years of Age not already inlisted, which Age in Case of doubt is to be proved by the Oath of the Person whose Age is in question or the Oath of his Parent, or some other credible Witness to be taken by the Officer before whom the dispute shall happen to be, who shall administer the same in the words following I A. B. do Swear upon the Holy Evangelists of Almighty God, that C. D. Summoned before Captain E. F. in order to be inlisted is Years old and no more, according to the best of my Knowledge so help me God, which Oath being duly Administred by the Captain or other Officer who hath Summoned such Person before him in order to be inlisted, and it appearing that he is under Sixteen he shall be for that Time dismissed, and if any dispute shall arise about Elder Persons and it appearing that he or they are above the Age of Fifty such Persons shall be exempted at all Times thereafter.*

*And be it Enacted by the Authority aforesaid,* That all Captains of Troops of Horse and Companies of Foot shall within Three Months from the Commencement of this Act, provide for their Troops and Companies Trumpets and Drums, Colours and Banners and Drummers and Trumpeters at the proper Charge of the respective Captains of Troops and Companies under the Penalty of Three Pounds, and for every Month such Captain shall remain unprovided thereof, the Sum of Two Pounds.

*Be it Enacted by the same Authority,* That the Colonels or Commanding Officers of all Regiments or Battalions, Troops or unregimented Companies within this Colony shall at least once in every Year issue out their Warrants to their inferior Officers commanding him or them to make diligent Search and Inquiry in their several Precincts or Districts, that all Persons be duly Listed, Armed and Equipped, and to return to them the Names of such Defaulters, as he or they shall find, to the End they may be punished according to this Act.

*And be it further Enacted by the Authority aforesaid,* That once in every Year and no more command be given by the Colonel, and in his Absence, by the next Commanding Officer of the respective Regiments or Battalions that the several Companies in each Regiment or Battalion shall meet at the most convenient Place therein to be appointed by the respective Officer commanding the Regiment or Battalion and the Captains or next Commanding Officers of the several Troops of Horse and Independent Companies of the several Cities and Counties shall meet twice in every Year at the most convenient Places therein to be appointed by the respective Officers commanding the Troop of Horse or Independent Company to be then and there mustered and Exercised, And that every Soldier belonging to the Horse shall at the Time and Place commanded appear and be provided with a good serviceable Horse not less than Fourteen Hands high covered with a good Saddle, Houlsters, Housing, Breast Plate and Crupper, a Case of good Pistols a good Sword or Hanger Belt and Cartridge Box, Twelve Cartridges of Gun Powder and Twelve sizeable Bullets, a pair of Boots with suitable Spurs and a Carabine well fixed with a good Belt, Swivel and Bucket under the Penalty of Ten Shillings for the want of a sizeable Horse, and the Penalty of Five Shillings for want of each or either of the Articles of the Troopers Furniture; And the Troopers of the City and County of New York shall be clothed with a blue Coat and Breeches with yellow metal But-



tons and a scarlet Waistcoat, and their Hats laced with Gold Lace, And the Troopers for the City and County of Albany shall be cloathed with blue Coats with white metal Buttons and their Hats laced with Silver Lace and the Troopers of Kings County shall be cloathed with blue Coats and red Jackets and their Hats laced with Silver Lace under the Penalty of Five Shillings for the want of each Article of such Cloathing, the whole Penalty on a Trooper for the Defaults of one Day not to exceed the Sum of Forty Shillings, And every Captain of a regimented Company who shall fail to appear as directed by this Act or appearing fail or neglect to exercise the Company under his Command as directed by the Commanding Officer there present every such Captain for every such Default or Neglect shall forfeit the Sum of Five Pounds, and every Lieutenant, Cornet or Ensign who shall not appear at such Times, or appearing shall not perform his Duty shall forfeit and pay the Sum of Three Pounds.

*And be it Enacted by the Authority aforesaid,* that once in every Year and not oftner command be given by the Captain and in his Absence by the next commanding Officer of the respective Companies in each Regiment or Battalion of the several Cities, Counties and Manors of this Colony, that the Company under his Command shall meet at some place within his District to be appointed by the said Officer to be then and there mustered and Exercised.

*And be it Provided and Enacted by the same Authority,* That in Case of a General alarm or Invasion all Unregimented or Independant Companies and Troops shall in the Absence of the Captain General or Commander in Chief be under the immediate Command and Direction of the Colonel, and in his Absence the next Commanding Officer of the Regiment or Battalion of the City, County or District where such Unregimented or Independant Companies or Troops are or may be, any Thing herein to the contrary notwithstanding.

*And be it further Enacted by the Authority aforesaid,* That the Number of the Troopers in each Company in the City and County of Albany shall be Sixty besides Officers, and the Number of all other Troops in this Colony shall be Fifty Troopers besides Officers, and for a constant supply of Troopers in each City and County within this Colony, where Troops of Horse are or shall be, whensoever it shall happen by Death or otherwise, that there is fewer Troopers in Number than are limited

by this Act, and the same cannot be supplied by Volunteers, That then the Captain of such Troop, shall under his Hand certify unto the Colonel of the Regiment of Foot or Battalion or in his Absence to the next Commanding Officer in the City or County where such want shall happen how many Troopers are wanting in his List of the Troop under his Command, and thereupon the said Colonel or next Commanding Officer of such Regiment or Battalion shall nominate out of the same, the Number that shall be so wanting as aforesaid; *Provided* that such Person or Persons so nominated by the said Colonel or next Commanding Officer be not under the Age of Twenty one Years, nor above Ten Miles distant from the Place of the Captains abode, Upon which Nomination the Person or Persons so nominated shall within the Space of Three Months equip themselves as is hereby directed, And every Trooper that shall be so nominated to serve in any of the Troops and refusing to equip himself and serve, he shall for such Offence forfeit the Sum of Five Pounds, and upon Payment thereof shall not be liable to any other or further Forfeiture for any Offence respecting the Troop, but shall nevertheless be Subject to serve in the Foot Service, as if no such nomination had ever been made And all Troopers inlisted in manner as aforesaid refusing or neglecting to appear shall for every such Offence, forfeit the Sum of Ten Shillings for the first Default in not appearing, for the second Default the Sum of Fifteen Shillings and for every Default after the second the Sum of Twenty Shillings until he doth appear; and every Trooper or Soldier belonging to the Horse, shall always have at his Habitation or place of abode, one Pound of Gun Powder and Three Pounds of sizeable Bullets on Penalty of Ten Shillings for every Default.

*And be it Enacted by the Authority aforesaid* that the Companies of Cadets, and blue Artillery in the City of New York and Company of Cadets in Queens County are to consist each of One hundred Men besides Officers And if the Colonel of the Regiment of the said City or County or in his Absence the next Commanding Officer thereof doth suspect that the Captain or Captains of the said Companies have inlisted a greater Number than is limited above, the Captain of the Company so suspected, shall be obliged within Fourteen Days after Notice, to deliver to the Captain General or Commander in Chief a true and compleat Roll of the Name and Names of all the Persons, he or they have on his or their List; And if it thereby appears, that

more are inlisted than the Number above mentioned all such Supernumerary Men are immediately to be discharged out of such List, and the Captain is to give a List of their Names to the Colonel, or next Commanding Officer aforesaid, and the Person and Persons so discharged shall within Fourteen Days thereafter inlist him or themselves in one of the Foot Companies of the said Regiment, and such of the Persons so discharged as shall omit to inlist themselves accordingly shall be subject to the Fines inflicted in this Act, on Persons omitting or neglecting to inlist in the Militia.

*And be it further Enacted by the Authority aforesaid,* That every Foot Soldier in any of the Regiments or Battalions or Independant Companies of Foot in this Colony shall be provided with a good well fixed Musket or Fuzee, a good Sword, Belt and Cartridge Box, Six Cartridges of Gun Powder and Six sizeable Bullets and so provided shall appear when and where required as aforesaid upon Penalty of Five Shillings for each Musket or Fuzee not well fixed, and for want of a sufficient Sword, Belt or Cartridge Box shall forfeit One Shilling, and the same for want of each Cartridge or Bullet, the whole Penalty for the Default of one Person for one Day not to exceed Ten Shillings, and the sufficiency of the Musket or Fuzee, Sword, Belt and Cartridge Box to be judged of and determined by the Commanding Officer then present, and every Foot Soldier shall at his Habitation or Place of Abode, have one Pound of good Gun Powder, and three Pounds of sizeable Bullets, upon Penalty of Ten Shillings, for each Soldier of Foot; And if any Soldier of Foot or Horse shall refuse to shew to his Captain, or Person sent by him, or other Officer for that Purpose by this Act appointed all or any of the equipage, Furniture or Ammunition herein mentioned, he shall be deemed and esteemed to be unprovided thereof and shall be fined accordingly.

*And be it Enacted by the Authority aforesaid,* That upon Notice given of a general Muster, or of the Review or Appearance in the Field of any particular Troop or Troops, Company or Companies no Person whatsoever inlisted in Horse or Foot in Manner aforesaid shall absent or withdraw himself from that Service without having first acquainted his Captain and in his absence, the next Commanding Officer therewith and without his leave or Authority so to do, under the Penalty of Ten Shillings, and no Commission Officer shall remove himself out of Town, or withdraw from the Service without Leave from his



Superior Officer, under the Penalty of Twenty Shillings, And no Serjeant, Corporal or Drummer whether of Horse or Foot shall absent themselves in manner aforesaid, under the Penalty of Twenty Shillings.

*And be it further Enacted by the same Authority* That if any Person or Persons being duly inlisted if thereunto required by their Superior and proper Officer, shall refuse to warn the People to appear under Arms when thereunto required by his Captain or next Commanding Officer, he shall for every such Neglect or refusal forfeit the Sum of Twenty Shillings.

*And be it further Enacted by the same Authority* That every Soldier inlisted to serve either in Horse or Foot, and appearing under Arms, and during such Appearance shall refuse or neglect to perform such Military Duty as shall be required from him, or shall depart from his Colours or Guard without Leave from the Commanding Officer, he shall forfeit the Sum of Twenty Shillings; and for non payment thereof shall be committed by Warrant from the Commanding Officer there present to the next Goal till the said Twenty Shillings be paid with the Prison Charges; and the Sheriff of each City and County is hereby impowered and required to receive the Body or Bodies of such Offender or Offenders against this Act, as shall be brought to him by Virtue of a Warrant or Warrants under the Hand and Seal of such Officer as aforesaid and him or them to keep in safe Custody until such Fees and Fine mentioned in such Warrant are paid, And it is hereby declared that such Sheriffs or Keepers of Goals shall in such Cases as aforesaid, be intitled to the same Fees, as are allowed in all other Cases, and the Fines so recovered shall be disposed of by the Commanding Officer for the Benefit of the Company to which the Offender doth belong.

*And be it Enacted by the Authority aforesaid* That the several other Fines, Penalties and Forfeitures in this Act mentioned, shall be levied, recovered and disposed of as followeth *that is to say* That all such Forfeitures as do relate to any Person under the Degree of a Captain shall be adjudged by and be taken to the respective Captains to defray the Charges of their Troops and Companies, and to be levied before the next exercising Day by Distress and Sale of the Offenders Goods by the Captains Warrant directed to the Serjeant or Corporal of the Company wherein such Offence was committed. But if the Offender be a Servant or under his Parents Care, then in such Case the Masters

or Parents Goods shall be liable to such Distress and Sale as aforesaid till Satisfaction be made, and if any Serjeant or Corporal shall refuse to execute such Warrant to him directed he shall for every such Offence forfeit for the uses above mentioned, the Sum of Forty Shillings to be levied in Manner before expressed by such other Officer, Serjeant or Corporal as such Warrant shall be directed to, and for all other Penalties and Forfeitures in this Act mentioned, the same shall be levied by Distress and Sale of the Offenders Goods by Warrant from the Colonel or the next Field Officer where such Offenders are, which Forfeiture and Penalty shall be for the use and Benefit of the Regiment or Battalion in the City and County where the Offence is committed, and the Serjeants or Corporals of the Regiment or Battalion are to reserve to themselves out of the Distress or Forfeiture the sum of Three Shillings for executing each Warrant from their Captain or other Superior Officer.

*And be it further Enacted*, That all Drummers and Trumpeters lately in Service, or that shall be put in Service by the several Captains during pleasure shall serve upon the Salary of Forty Shillings per annum for a Trumpeter, and Twenty Shillings for a Drummer, finding their Trumpet or Drum; and Twenty Shillings for a Trumpeter and Ten Shillings for a Drummer, if the Captain do provide the Drumm or Trumpet, and each Drummer or Trumpeter refusing to serve, to Forfeit Forty Shillings to be levied in Manner aforesaid.

*Always provided*, That all the Members of his Majestys Council, Members of the General Assembly and the Officers of the same, Justices of the Peace, High Sheriffs, Coroners and other Officers of his Majestys Government and all Persons that have held any Civil or Military Commission in this Colony and all other Officers of Courts, Ministers of the Gospel, Physicians, Surgeons, School-masters, all Firemen within this Colony, One Miller to a Grist Mill, and one Ferryman to every Public Ferry, All Supervisors, One Founder and six Men to every Furnace and six Men to every Forge, all Colliers and their necessary Servants employed in burning of Coal and all bought Servants during their Servitude shall be free from being listed in any Troop or Company within this Colony.

*And be it Enacted by the Authority aforesaid*, That no Commission Officer of the Militia of this Colony legally superseded, shall afterwards be obliged to do the Duty of a private Soldier unless he be Casheered for Cowardice or other Misdemeanor,

nor shall it be in the Power of any Commission Officer to throw up or quit his Commission unless he is Superseded in his Rank until he has served in Commission Fifteen Years at the least, any Thing in this Act to the contrary thereof notwithstanding.

*Provided always*, That if any Officer shall die or be removed by the Commander in Chief or shall be Casheered for Cowardice or other Misdemeanor in either of which Cases, if the Officer next in Rank shall refuse to be promoted to the Rank such Officer held he shall nevertheless be obliged to serve in the Rank he holds altho' a Junior Officer or any other person should be promoted over him. *Provided always*, that no Senior Officer shall be obliged to continue to serve in any Regiment of Militia or Independant Company or Troop over whom a Junior Officer or any other person is promoted (unless in the Case before mentioned) and unless by his own Consent.

*Provided also And be it further Enacted by the same Authority*, That in Case any Officer or Officers shall die, or be removed, That then the Governor or Commander in Chief for the Time being shall appoint another or others within the same County to serve in his or their Stead.

*And be it Enacted by the Authority aforesaid*, That no Military Commission Officer as well of Foot Companies or Troops of Horse, whether Regimented or Independent, as likewise the Troopers in the City and County of New York and Albany shall be liable or subject to serve as Constable though chosen, any Law or Usage to the contrary notwithstanding. *Provided nevertheless* That a Commission obtained by any Person after he is elected a Constable, shall not entitle him to the exemption above mentioned.

*And be it Enacted by the Authority aforesaid*, That in Case of any Alarm, Invasion Insurrection or Rebellion, every Officer of the Militia shall have full Power and Authority by Virtue of this Act and is hereby required forthwith to raise the Militia or Company under his Command, and to send immediate Intelligence to the Commanding Officer of the Regiment to which he belongs, who also are hereby required and commanded to send forwards the Intelligence forthwith to the Commanding Officer of the next Adjacent Counties informing him and them at the same Time in what Manner he intends to proceed, and every Commanding Officer in every County, upon any Alarm or receiving Intelligence of any Insurrection, Invasion or Rebellion shall forthwith Dispatch an Express to the Governor or Com-



mander in Chief for the Time being, notifying the Danger, and shall therewith signify the Strength and Motions of the Enemy; and the said Commanding Officer hath hereby full Power to impress Boats and Hands, Men and Horses as the Service may require, and shall draw together the Militia of his County or such part thereof as he shall think necessary and March them to such Place or Places as he shall judge most convenient for opposing the Enemy, and to such Place or Places within this Colony, as shall be directed by the Governor or Commander in Chief for the Time being and every Captain or Commission Officer under the degree of Major, that shall neglect or refuse to perform his Duty hereby required shall forfeit the Sum of Twenty Pounds, and every non Commission Officer or private Man for his Neglect or Refusal of such Duty shall forfeit the Sum of Five Pounds, and every Commission Officer, besides paying such Forfeiture, shall be degraded, and rendered incapable thereafter of holding or exercising any Office, Civil or Military within this Colony.

*And Whereas* the County of Suffolk is so Situated, that a Descent may be made on the Eastern part thereof by Water and the said County being extensive, the remote Parts which are most exposed are generally at a great Distance from the Colonel or Commanding Officer of the Regiment, and consequently the waiting for Orders from the said Commanding Officer may greatly expose such remote Places to the Ravages of small Parties of the Enemy,

*Be it therefore Enacted*, That the Captains or next Commanding Officer of the several and respective Companies within the said County, nearest to any Place where such Descent may happen to be made shall immediately call together his or their Company or Companies, and forthwith proceed to use their utmost Endeavours to repel and drive off the Enemy: And on the first Notice of such Descent shall dispatch an Express to the Commanding Officer of the Regiment of the said County with Intelligence thereof, and of the Number and Motions of the Enemy according to the best Information he or they shall have obtained, any Thing herein contained to the contrary notwithstanding.

*Be it further Enacted by the Authority aforesaid*, That if any Person or Persons shall be sued molested or impleaded for any Matter or Thing lawfully done and commanded in the Execution and Performance of this Act, he or they shall plead the general Issue, and give this Act in Evidence; and if the

Plaintiff discontinue his Action, be Nonsuited or Verdict pass against him, the Defendant shall recover treble Costs; nor shall any such Suit or Suits be admitted, or allowed to be brought unless it be done within three Months next after the Offence is committed.

*And be it Enacted by the Authority aforesaid,* That once every Year, and oftner if thereunto required each particular Captain shall give to his Colonel or in his Absence to the next Field Officer, and such Field Officer and the Captains of unregimented Troops and Companies to the Captain General or Commander in Chief for the Time being fair written Rolls of their respective Regiments, Troops and Companies, on the Penalty of Forty Shillings for a Field Officer, and Twenty Shillings for an inferior Commanding Officer, and if any Person be wounded or disabled upon any Invasion, Insurrection or Rebellion he shall be taken Care of, and provided for by the Public during the Time of such Disability.

*And be it further Enacted by the same Authority,* That the Majority of the Officers in the Regiment on the South side of the Mountains in Orange County, shall before any Training or Meeting of said Regiment assemble and agree by a Majority of Voices on a convenient Place as near the Center as shall be, for the good of the Public Service; which Place of Training so agreed on and fixed, shall be afterwards notified to the respective Companies by an Instrument under the Hand of such Majority, and read by the Captain or his Order, at the Head of each respective Company.

*Provided always and be it Enacted by the Authority aforesaid,* That all Persons above the Age of Fifty, and not exceeding Sixty Years of Age, shall in Case of Alarm, Invasion or Insurrection be obliged to appear under Arms under the Captain, or the Commanding Officer of the District where they dwell or reside, any Thing herein contained to the Contrary thereof in any wise notwithstanding.

*And be it further Enacted by the Authority aforesaid,* That the Independant Companies of Foot in the City and County of New York shall and are hereby formed into a seperate and distinct Battalion, and that the Captain of the said Companies shall have Power and Authority to call out and exercise their respective Company with the Approbation of the Governor or Commander in Chief for the Time being as often as they shall think necessary not exceeding once in each Month, and that

every Person who shall have inlisted or shall hereafter inlist in the said Companies shall not absent or withdraw himself without a Discharge under the Hand of his respective Captain with the Approbation of the Colonel or other Field Officer commanding the said Battalion under the Penalty of Ten Shillings for each Offence any Law, Usage or Custom to the contrary notwithstanding.

*And be it Enacted by the Authority aforesaid,* That the Captains of the Independant Companies in the City and County of Albany shall have Power and Authority to call out and exercise with the Approbation of his Excellency the Governor or the Commander in Chief for the Time being their Companies as often as they shall think necessary not exceeding once in each Month, and that no Person that has inlisted or hereafter shall voluntarily inlist in any of the said Independant Companies shall absent or withdraw himself without a Discharge from his Captain or the Commanding Officer of the Company any Thing in the said Act contained to the contrary in any wise notwithstanding.

*Be it further Enacted by the same Authority,* That the Colonel or Commanding Officer of the Regiment in Queens Connty shall and is hereby directed and required to Order the said Regiment to meet at two different Places *Viz:* That Part of the Regiment that is in the Parish of Jamaica at or near the Beaver Pond within the Parish of Jamaica aforesaid, and the other Part of the said Regiment which is in the Parish of Hempstead at or near the House of Samuel Nicols or at or near the House of Jordan Lawrence on the Great Plains in said Parish and at no other Places whatsoever any Thing in this Act or any Law, Usage or Custom to the contrary hereof in any wise notwithstanding.

*Provided always And be it Enacted by the Authority aforesaid,* That every Person professing himself to be of the People commonly called Quakers and producing to the Captain or Commanding Officer of the Company in whose Beat he resides a Certificate from one of their Monthly Meetings signed by six or more of the Principal People of such Meeting, that such Person had been deemed and allowed one of the People called Quakers for the Space of One whole Year or upwards before the producing such Certificate, such Person so producing such Certificate shall be and is hereby exempted from the ordinary Duties of Training or Mustering unless upon an Alarm, Invasion, Insurrection or



Rebellion any Thing herein contained to the contrary thereof in any wise notwithstanding.

*Be it further Enacted by the Authority aforesaid, That this Act shall be in Force from the first Day of May next until the first Day of May which will be in the year of our Lord one Thousand seven Hundred and Seventy eight.*

[CHAPTER 1701.]

[See chapter 1163.]

An Act to amend an Act entitled "An Act for the more effectual Prevention of Fires, and for regulating of Buildings in the City of New York."

[Passed, April 1, 1775.]

WHEREAS the said Act has not had its Effect, and it is necessary to that good End, that it be amended and inforced,

*Be it therefore Enacted by his Honor the Lieutenant Governor the Council and the General Assembly, and it is hereby enacted by the Authority of the same, That from and after the passing hereof till the first Day of January next, the abovementioned Act entitled, "An Act for the more effectual Prevention of Fires and for regulating of Buildings in the City of New York," and every Clause Matter and Thing therein contained shall be and is hereby declared to be suspended any Thing in the said Act to the contrary notwithstanding.*

*And be it Enacted by the Authority aforesaid, That it shall be lawful any Thing in the said Act to the contrary notwithstanding, to erect any Building in the said City with Wood or other Materials and cover the same with Shingles or Boards, that shall be situated to the Northward or North Eastward of a Line. Beginning on the Easterly Edge of Hudson's River in the Middle of Partition Street and running South Easterly through the Middle of the said Street, and through the Middle of Fair Street to the Middle of Nassau Street; thence North Easterly through the Middle of Nassau Street until it comes opposite to the Middle of Frankford Street, thence South Easterly through the Middle of Frankford Street till it comes opposite to the Middle of VandeWater Street, thence Easterly through the Middle of Vande Water Street till it comes to the Middle of Queen Street, thence Southerly through the Middle of the same till it comes to the Middle of Saint Georges Square, thence Easterly through the Middle of Cherry Street till it comes opposite*

gaolers of the same gaols in the said counties of *Albany, Dutchess* or *Orange*, shall severally receive the prisoners and shall be answerable for them in like manner as if they had been delivered to their care respectively by the sherifs or other officers of the said three several counties last mentioned respectively.

## CHAP. 22.

AN ACT for raising seven hundred men to be employed in the defence of this State.

PASSED the 31st March, 1778.

*Be it enacted by the People of the State of New-York represented in Senate and Assembly and it is hereby enacted by the authority of the same* That seven hundred men including officers shall be raised by drafts from the militia for the defence of this State to continue in service until the first day of *January* next unless sooner discharged and to be allowed the like pay and rations as are allowed in the army of the United States of *America*. And in order the more effectually to enable his excellency the governor to compleat the levies to be raised by virtue of this act.

Seven hundred men to be raised by drafts from militia.

*Be it further enacted by the authority aforesaid* That drafts for the purpose aforesaid shall be made from the regiments of militia commanded by colonels *Pierre Van Cortlandt, Joseph Drake* and *Thomas Thomas* in *Westchester* county and *John Field* and *Henry Luddington* in *Dutchess* county and from such other regiments of the militia of this State as his excellency the governor may deem necessary and in such proportions and in such manner as by orders from his excellency the governor to the commanding officers of the several regiments shall be directed; and the several commanding officers and all and every other officer and officers belonging to the several regiments or either of them neglecting or refusing to execute or obey the orders to be issued by his excellency the governor in this behalf, shall suffer and incur such penalties pains and punishment as shall be adjudged by a court martial for that purpose to be instituted and appointed by his excellency the governor by warrant under his hand, and to be composed of such officers belonging to the militia of this State as shall by his said excellency the governor be nominated and appointed for that purpose. *And to the end* That a proper bounty may be collected for such persons as shall voluntarily enlist in the said levies.

Drafts how and by whom to be made.

*Be it further enacted by the authority aforesaid* That certain resolutions of the council of safety made and passed on the thirty-first day of *July* last for assessing persons exempted from serving in the militia are hereby revived and extended to all persons upwards of the age of sixty years. *Provided nevertheless* That each and every person to be appointed an assessor in such manner as is prescribed in the said resolutions shall before he proceed to assess take an oath before the commanding officer of the regiment by whom he shall be appointed, and who is hereby authorized and required to administer the same faithfully and impartially without favour or affection to assess the several exempts within the district of the said regiment.

Resolutions named, revived and extended.

Proviso as to oath to be taken by assessors.

*And provided also* That where assessments have not as yet been made in either of the said five regiments above particularly mentioned,

Levies in which as-

assessment shall be made by assessors of town, etc.

and with respect to the assessments to be made in such other regiments of militia as by his excellency the governor shall be assigned and appointed to contribute towards the levies to be raised by virtue of this act, the assessors shall not be appointed by the field officers of the regiment, but the assessment shall be made by the assessors of the town district or precinct within which the several companies of militia so to be assessed shall be; any thing in the said resolution of the thirty-first day of *July* to the contrary notwithstanding.

Moneys to be paid to commanding officer.

*And provided further* That the monies to be collected in consequence of such assessments shall be paid into the hands of the commanding officer of each respective regiment, to be by him distributed, to and among the drafts from the said regiment in equal proportions.

Proviso.

*Whereas* the council of safety did by resolution made and passed the fourth day of *January* last request his excellency the governor to provide for the defence of the frontier parts of this State by levies or detachments from the militia. And the more effectually to facilitate the raising the said levies or detachments the said council of safety did in and by the said resolution revive the said resolution of the council of safety of the thirty-first day of *July* last, in consequence whereof assessments have been made in the said three regiments of militia in the county of *Westchester* and of the sums so assessed a considerable part hath been collected and paid to persons who have inlisted in the said levies or detachments and cattle and other chattels of persons so assessed and refusing to pay the sums so assessed upon them, have been distrained and sold. *And whereas* Uneasiness and complaints having arisen by reason thereof; and it having been suggested to the legislature that in some instances the said assessments had been injudiciously made and that from thence had arisen the said uneasiness and complaints the senate and assembly did by their respective resolutions of the fourteenth day of *March* in the present year recommend to the field officers of the said three regiments forthwith to appoint for each respective regiment five other and new assessors to be discreet and reputable persons, not being commissioned officers belonging to either of the said three regiments, or subject to an assessment by the terms of the said resolution of the council of safety of the fourth day of *January* last, that the said assessors so to be appointed, should immediately review the assessments of the respective regiments and should apportion the whole amount of the assessments of the several regiments upon the several persons in each respective regiment who by the terms of the said last mentioned resolution were subject to be assessed in such manner as to the said assessors should appear just and reasonable, having due regard not only to the estate and ability of each respective person, but also to the services they have respectively rendered to their country, during the present war. That the assessments so to be made by the assessors last appointed should be deemed the true and proper assessments within the said regiments respectively. That where an abatement should be made in the former assessment of any persons, such persons should respectively be repaid the whole amount of such abatement, or such part thereof, as they should respectively have paid, out of the monies to be collected from the other persons subject to be assessed. And that all sales of goods distrained for payment of assessments made in consequence of the above resolution last mentioned should stand confirmed and that no future sales should be made of goods then already taken and distrained except where persons should refuse to pay the sums assessed upon them by the assessors last appointed. And that

*Ibidl.*



the commanding officers of the said several regiments should cause the sums to be assessed by the said last appointed assessors, to be collected by distress and sale of the goods and chattels of the several persons who should refuse to pay the sums assessed on them respectively. *And whereas* his excellency the governor did on the sixth day of *January* last issue his orders to the commanding officers of the said five regiments above particularly mentioned, to make returns immediately of their respective regiments; that five companies of sixty privates were to be raised out of the said five regiments of militia and and to continue in service for the space of one year on continental pay and rations.

*Be it therefore further enacted by the authority aforesaid* That all and singular the powers and authorities vested in the assessors appointed by virtue of the resolution of the council of safety of the thirty-first day of *July* last revived and extended as aforesaid, shall henceforth cease determine and become void that all and singular the acts and proceedings of the said commanding officers of the said five regiments, and of each and every person and persons by the order or command of the said commanding officers, or either of them, in or about the premises in consequence of such orders as aforesaid from his excellency the governor, or in pursuance and in consequence of the said resolution of the council of safety of the fourth of *January*, or of the said resolution of the senate and assembly, shall be and the same are hereby ratified and confirmed, and declared to be as valid and effectual to all intents and purposes, as if the same had been made and done by virtue of an act of the legislature of this state; and the several persons who have or shall be inlisted or drafted in pursuance of the said orders and resolution, shall be deemed and considered as duly and properly drafted and inlisted in, and as belonging to the levies to be raised by virtue of this act. *Provided*, That the several persons in the said three regiments in the county of *Westchester*, who have been assessed shall be compellable only to pay the sums at which they were respectively assessed by the assessors last appointed as aforesaid.

*And be it further enacted by the authority aforesaid* That the levies to be raised by virtue of this act, shall from the time they shall be inlisted or drafted, be subject to the same rules and regulations as are contained in the articles of war made by the congress of the United States of *America* for regulating the armies of the said States; and that the courts-martial to be instituted and appointed for trial of any person or persons belonging to the said levies shall and may consist of officers belonging to the militia of this State, or to the said levies, as his excellency the governor shall from time to time deem proper.

## CHAP. 23.

AN ACT to empower the treasurer of this State, to pay into the treasury of the United States of America the sum therein mentioned.

PASSED the 1st of April, 1778.

WHEREAS the honorable the congress of the United States of America by a certain resolution of the twenty-second day of *November* in the year of our Lord one thousand seven hundred and seventy-seven

*Ibid.*

Powers vested in assessors named declared void, acts of commanding officers ratified and confirmed.

Persons inlisted or drafted deemed duly in service. Proviso.

Levies subject to rules and articles of war.

Preamble.

## CHAP. 28.

AN ACT for compleating the five Continental battalions raised under the direction of this State.

PASSED the 1st of April, 1778.

WHEREAS it is absolutely necessary that the several battalions in the service of the United States of *America*, raised under the direction of this State should be forthwith compleated. Preamble.

*And whereas* the Congress of the United States of *America* did by resolution passed on the twenty-sixth day of *February* last require the several States to fill up by drafts from the militia or in any other manner that should be most effectual their respective battalions to serve for the space of nine months from the time they should respectively appear at the places of rendezvous unless sooner discharged; and that the drafts from the militia of this State should rendezvous at *Easton*, in the State of *Pennsylvania*.

*Be it therefore enacted by the People of the State of New-York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That drafts shall be made from the militia of this State of every fifteenth man to serve in the said battalions for the space of nine months* as aforesaid; and that *Easton* in the State of *Pennsylvania* shall be the place of rendezvous unless otherwise directed by the commander in chief of the continental army. Every fifteenth man to be drafted, place of rendezvous, etc.

And to the end that the said drafts may be made with the greater fairness and impartiality

*Be it further enacted by the authority aforesaid* That the captains or other commanding officers of the several companies of militia within this State shall cause true and exact lists to be made of their respective companies on or before the third Monday of *April* next, and shall immediately return (under oath to be administered by the said colonel or commanding officer of the regiment) such lists to the colonel or other commanding officer of the respective regiments and the colonels or other commanding officers of the regiments shall within one week thereafter meet with the other field officers and the captains or other commanding officers of the companies of their respective regiments on such day and at such place within the districts of their respective regiments as by the said colonels or commanding officers of the regiments shall for that purpose be appointed, and at this meeting, to be openly and publicly held the said colonels or commanding officers of the regiments shall cause the several companies belonging to their respective regiments to be respectively divided by lot into Classes, each class to consist of fifteen men, and if there should be a surplus or remainder of names in the several companies after they shall have been so divided into classes, the colonel or commanding officer of the regiment shall from the surpluses or remainders of adjoining companies into a class or classes of an equal number of men with the classes above mentioned, and if there should still be a surplus or remainder the colonel or commanding officer of the regiment shall add the persons of which such surplus or remainder as last mentioned shall consist to such class or classes in the companies to which the persons composing such surplus or remainder as last aforesaid may severally belong in such manner as he shall think proper. That the captains or commanding officers of the companies Captains to make and return lists of men.

Colonels to meet with field officers and captains.

Draft, how to be made.

shall cause to be delivered to at least two persons in each of the classes in their respective companies formed upon the first division, and the colonel or commanding officers of the regiments shall cause to be delivered to at least two persons in each of the classes formed of such surplusses or remainders as aforesaid lists of the persons belonging to their respective classes, and that each class shall within nine days after such lists shall have been delivered to them respectively furnish a man to serve in the said battalions for the space of nine months as aforesaid.

Proceed-  
ings in case  
classes  
shall omit  
or neglect  
to furnish  
a man.

*And be it further enacted by the authority aforesaid* That if any of the classes shall omit or neglect to furnish a man within the time above limited the captain or commanding officer of the company to which such class shall belong, or if the class shall have been composed of such surplusses as aforesaid, then the colonel or commanding officer of the regiment shall notify at least two persons in the class so in default either personally, or by notice at their usual place of abode of the time and place when and where it will be determined by lott, which of the persons in the said class so in default shall serve as a draft as aforesaid. At which time and place the captain or commanding officer of the company, or commanding officer of the regiment as the case may be, shall openly and publickly proceed to determine which of the persons belonging to the said class shall serve as a draft as aforesaid, and shall immediately thereupon either personally or by notice in writing notify the person on whom the lot shall so have fallen thereof and the said person shall from and immediately after such notice be deemed and considered as a draft to serve in the said battalions for the space of nine months as aforesaid, and if the said person should abscond desert or refuse to march he shall and may be apprehended taken and treated as a deserter from the said battalions.

One class  
not to pro-  
cure a per-  
son from  
another  
class.

*And be it further enacted by the authority aforesaid* That no class shall be permitted to procure a person from another class unless the class from which the person so attempted to be procured may belong shall previously have furnished a man for the said drafts.

Preamble  
as to fire-  
locks, etc.

*And whereas* the congress of the United States did also in and by the said resolution resolve that each of the said drafts who should supply himself with a good firelock and bayonet, a cartouch box haversack and blanket, and should at the expiration of his service, produce to the proper pay master a certificate from his captain or other commanding officer of his company that he hath been constantly provided therewith, shall receive for the use of his firelock bayonet and cartouch box two dollars and for the use of his blanket four dollars, and in a like proportion for any or either of them; and in case any or either of the said articles shall be lost or rendered useless in the service without the negligence or fault of the proprietor, he shall be paid the value thereof; and did also in and by the said resolution recommend to the several States to appoint officers to superintend the making and forwarding such drafts, and to appoint one or more persons to reside at the places of rendezvous to receive the drafts from the respective States, and deliver them over to the continental officers appointed to receive them, and also to make provision for their respective drafts upon their march to the said places of rendezvous.

Commis-  
sioners to  
execute  
act.

*Be it therefore further enacted by the authority aforesaid* That it shall and may be lawful to and for the person administring the government of this State for the time being and he is hereby authorized



and required to appoint three commissioners for executing this act. That the said commissioners or the major part of them shall appoint such and so many persons in the different parts of this State to be such superintendents as aforesaid and to appoint such and so many persons to receive the said drafts at the place of rendezvous and deliver them over to the continental officers appointed to receive them, as by the said commissioners or the major part of them shall be deemed proper. That the said commissioners or the major part of them shall be and they are hereby authorized to take such ways and means as to them shall appear expedient that provision be made for the said drafts on their march to the place of rendezvous. That the said superintendents and each and every of them shall be authorized to take apprehend and confine such of the said drafts as shall desert or refuse to march. That the several militia officers in and throughout this State shall and they are hereby respectively required to be aiding and assisting to the said several superintendents with such of the militia under their command respectively in pursuing apprehending confining or guarding the said drafts or any of them, when and as often as the said militia officers shall be severally thereunto required by the said superintendents or any or either of them. That if any of the commanding officers of the regiments of militia shall respectively refuse or neglect to make drafts from their respective regiments on the day for that purpose herein before specified, that the said commissioners or the major part of them shall in such case require such commanding officer so refusing or neglecting forthwith to proceed to make out drafts on such day as by the said commissioners or the major part of them shall for that purpose be appointed.

Commissioners to appoint superintendents, etc.

Powers of commissioners and superintendents.

Militia officers to aid superintendents.

Commissioners to require commanding officers to make draft.

*And be it further enacted by the authority aforesaid* That the said commissioners superintendents and the person to be appointed to receive such drafts at the place of rendezvous shall each of them be allowed besides their expences for each and every day they shall be severally actually employed in the business hereby committed to them the sum of twenty shillings per day.

Allowance to commissioners, superintendents, etc.

*And to the end* That provision may be made for the payment of the said commissioners superintendents and persons to be appointed to receive the said drafts and to defray the expence of providing for such drafts on their march and for the payment and subsistence of such of the militia as may be called out for the purpose of apprehending and guarding such of the said drafts as shall desert or refuse to march as aforesaid and other incidental charges that shall or may arise in and about the said business hereby committed to the said commissioners.

Provision to be made for payment of expenses, etc.

*Be it further enacted by the authority aforesaid* That the said commissioners or the major part of them, shall be and they are hereby authorized from time to time to draw from the treasury of this State, (and the treasurer of this State is hereby authorized and required to pay the same) such sum and sums of money as they or the major part of them shall deem necessary for the purpose, so as the monies so by them to be drawn from the treasury shall not in the whole exceed the sum of two thousand five hundred pounds. And the said commissioners are hereby required to account with this State for the expenditure of the said monies.

Commissioners may draw on treasurer of State for necessary money.

*And be it further enacted by the authority aforesaid* That each and every officer of the militia who shall omit or neglect to do or perform any of the matters or duties imposed on and required of them by this act shall be subject to and incur such penalties and punishments as shall be adjudged against him by a court martial to be in-

Penalty for refusal by officer to perform duty.

stituted and appointed by warrant from the person administering the government of this State for the time being for that purpose, and to consist of officers belonging to the militia of this State.

*And whereas* certain regiments of militia have already furnished men for certain services during the course of the present year ;

Governor  
may order  
draft dis-  
pensed  
with in  
regiments  
named.

*Be it therefore further enacted by the authority aforesaid* That it shall and may be lawful to and for the person administering the government of this State for the time being by orders to the several colonels or commanding officers of the regiments to dispense with this act with respect to such regiments of militia as have at any time since the first day of *January* last furnished, or have been or shall be ordered to furnish men for any service, or to lessen the proportion of drafts to be furnished by the said regiments respectively for the said battalions in the service of the United States in such manner as he shall think proper, any thing herein contained to the contrary notwithstanding.

Persons  
exempt  
from draft.

*And be it further enacted by the authority aforesaid* That the chancellor, the judges of the supreme court, the members of the legislature, all justices of the peace, who previous to the making of the said draft shall have qualified on oath for the execution of their office, all sheriffs, all commissioned officers in the militia, all persons who have at any time heretofore borne military commissions, under the King of *Great-Britain*, or under the United States of *America* or under any provincial congress or convention of this State, all ministers of the gospel, the people called Quakers, all persons who have procured or shall procure others to enlist in either of the said battalions pursuant to the resolution of the convention or the act of the legislature of this State in such case made and provided, the attorney-general, the treasurer, the auditor-general, the commissioner of military stores, and commissary of clothing for this State, the secretary of the State, the clerk of the senate and the clerk of the assembly all clerks of courts, the commissioners for defeating conspiracies three powder makers to each powder mill five men to each furnace and two men to each fire at the several forges, to be elected by the master of each furnace and forge three persons as journeymen in each printing office to be elected by each of the printers respectively and all persons above fifty years of age, shall be and hereby are exempted from being drafted by virtue of this act any thing herein contained to the contrary notwithstanding.

Proviso as  
to persons  
having  
borne com-  
missions  
from king.

*Provided nevertheless* That no person having borne a military commission under the King of *Great-Britain* shall by reason thereof be exempted from the draft to be made by virtue of this act unless such person shall procure a certificate under the hands of two justices of the peace of the county that such person is well affected to the cause of *America*, and hath uniformly behaved and conducted as such during the present war.

Exempt  
persons to  
contribute  
toward ex-  
pense of  
drafts.

*And to the end however* That the said persons so exempted as aforesaid may be compelled to contribute towards the expence of the draft to be made, in pursuance of this act and that a bounty may hereby be raised for such persons as shall enter into the said service.

List of ex-  
empts to  
be made  
by captains  
and assess-  
ments by  
assessors.

*And be it further enacted by the authority aforesaid* That the captains or commanding officers of the several companies at the time of making lists of their respective companies as aforesaid shall also cause lists to be made of the several persons so exempted as aforesaid (ministers of the Gospel and persons who have procured or shall procure others to enlist as aforesaid excepted) resident within their respective beats, and cause such lists to be delivered to the assessors of the ward town, manor district or precinct who are hereby authorized and required forthwith

to assess the said several persons at such sums as the said assessors shall deem a proper compensation for the personal service of each respective person, having due regard not only to the estate and ability of the said several persons, but also to the services which they have respectively rendered to their country, during the present war.

*Provided nevertheless* That every person hereby exempted being capable of bearing arms, and between the ages of sixteen and fifty years and who shall prefer standing his draft to paying the sum so to be assessed against him, it shall be at his option so to do, and if the company previous thereto shall have been divided into classes, such exempt so choosing to stand his draft shall be added to such class in the company as the captain or commanding officer thereof shall think proper. *And provided farther* That no person shall be assessed at more than twenty dollars.

Exempt persons capable of bearing arms may elect to stand draft.

*And be it further enacted by the authority aforesaid* That the assessors as soon as they shall have compleated the assessments shall return a list of the same to the captain of each company, who shall immediately cause the sums assessed to be collected by one or more of the sergeants of the company, and in case any person or persons shall refuse or neglect to pay the sum or sums at which they shall be so assessed to cause the same to be collected from the several persons who shall so refuse by distress and sale of the goods and chattels of the said persons so refusing, by warrant to one of the sergeants of the said company; and the said monies, when so collected shall be paid into the hands of the colonel or commanding officer of the regiment to be by him divided and distributed to and among the several volunteers and drafts furnished by the regiment in equal shares and proportions as near as may be.

Assessment lists to be returned to, and collection to be made by captains.

## CHAP. 29.

AN ACT for regulating impresses of forage and carriages and for billeting troops within this State.

PASSED 2d of April, 1778.

*Be it enacted by the People of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That from and after the publication of this act no impresses of forage (under which term is comprehended hay, straw, barley, rye, oats indian corn and buckwheat) shall be made in this State by the commissary or deputy commissary of Forage, or by any forage master of the United States; but whenever a sufficient quantity of forage cannot be purchased therein or procured from the neighbouring States by the commissary or deputy commissary of forage, or by the forage masters for the use of the army in this State, that then on due proof thereof on oath, and application made to any justice of the peace resident in the town, manor, district or precinct in which such impress is required, it shall and may be lawful for the said justice, and he is hereby required immediately thereupon, by warrant or warrants under his hand, to appoint such and so many discreet and prudent inhabitants of this State, actually resident in the said town, manor, district or precinct, and thereby to authorize and direct him or them to distrain and take from the inhabitants of the said town, manor, district or precinct the quantity of forage to be specified in the said warrant. *Pro-*

Impress not to be made of forage.

Proceedings in case sufficient forage cannot be purchased.



## CHAP. 33.

### AN ACT for regulating the militia of the State of New-York

PASSED the 3d of April, 1778.

**Preamble.** WHEREAS the wisdom and experience of ages point out a well regulated militia as the only secure means for defending a State against external invasions and internal commotions and insurrections;

*And whereas* this and the other United States of *America* are now invaded by foreign enemies and the safety of this State may be indangered by intestine commotions and insurrections;

*And whereas* it is therefore become the duty of the legislature of the State to put the militia thereof on such an establishment as will most effectually encourage a martial spirit, among the people; provide for the internal and external security of the State and enable it most vigorously to co-operate with the other United States in a cause no less noble and exalted than the defence of the common rights and liberties of *America* against hostile tyranny and oppression;

**Persons to be enrolled.** *Be it therefore enacted by the People of the State of New-York represented in Senate and Assembly, and it is hereby enacted by the authority of the same.* That every able bodied male person Indians and slaves excepted residing within this State from sixteen years of age to fifty (except such persons as are herein after excepted) shall immediately after the passing of this act tender himself to be enrolled as of the militia to the captain or in his absence the next commanding officer of the beat wherein he shall reside who shall inrol him accordingly and in case of delay, or neglect to make such tender as aforesaid the said captain or commanding officer shall cause such person to be enrolled and to be duly warned thereof. In order that the militia may receive augmentation from the annual increase of the number of the inhabitants of this State that every captain or other commanding officer of a company shall from time to time enter on the said roll every male person able bodied and free (except as herein before and after excepted) who shall from time to time arrive at the age of sixteen years or come to reside or sojourn within his beat and without delay notify such inrollment to each person so inrolled respectively, by some inferior officer of the company who on oath shall be a competent witness to prove such notice. That if any dispute should arise with respect to the age or ability to bear arms of any person it shall be determined by the captain or commanding officer of the company, with right of appeal to any person who may conceive himself aggrieved, to the colonel or commanding officer of the regiment whose determination in the case shall be final. That every person so inrolled and notified shall within twenty days thereafter respectively furnish and provide himself at his own expence with a good musket or firelock fit for service a sufficient bayonet with a good belt, a pouch or cartouch box containing not less than sixteen cartridges suited to the bore of the musket or firelock each cartridge containing a proper quantity of powder and ball or in lieu of such pouch or cartouch box and cartriges with a quantity of powder and ball respectively disposed of in a powder horn and shot bag and wadding equivalent to such cartriges, and two spare flints a blanket and a knapsack and shall appear, so armed accoutred and provided when called out to exercise or duty as herein after directed except that when called out

**Enrollment to be made by captains.**

**Disputes, how to be determined.**

**Equipments.**

to exercise only he may appear without blanket or knapsack. And if any such person shall appear to the captain or commanding officer to be too poor to arm accoutre and provide himself in manner aforesaid he shall be supplied for the purpose out of the monies to arise from the fines from time to time to accrue in the regiment to which he shall belong; and in case of deficiency thereof out of the public magazines of stores of this State by order of the person administering the government of this State for the time being.

That there shall be one brigadier general for the county of *Tryon*, Brigadier  
one for the county of *Albany*, one for the bounties of *Gloucester* generals.  
and *Cumberland*, one for the county of *Charlotte* one for the county  
of *Dutchess*, one for the county of *Ulster*, one for the county of *Orange*,  
one for the county of *Westchester*, one for the city and county of *New-*  
*York*, one for the counties of *Queens*, *Kings* and *Richmond*, and one  
for the county of *Suffolk* each of whom shall respectively have rank  
authority and command in the militia of this State like as a brigadier  
general in the army of the United States of *America*. But his com-  
mand unless in the field shall not extend beyond his proper brigade.

*Provided nevertheless* That it shall be lawful for the person adminis-  
tering the government of this State for the time being, by and with  
the consent and advice of the council of appointment to appoint  
colonels commandant instead of brigadiers general in such of the said  
brigades, as the said person administering the government and coun-  
cil of appointment shall deem necessary and expedient. And that  
the said colonels commandant shall have the like command in their  
respective brigades with brigadiers general and when in the field  
shall take rank of all colonels or other officers commanding regi-  
ments and if any person so to be appointed a colonel commandant  
should be a colonel of a regiment of militia he shall still continue in  
the command of the said regiment.

Colonels  
may be ap-  
pointed com-  
mand-  
ants of  
brigades.

That the present division of the State into regiments and com-  
panies shall be and remain, with power nevertheless to the person  
administering the government of this State for the time being by gen-  
eral orders to be issued for that purpose to abridge or enlarge the  
limits of the present regiments or companies, or to form new regi-  
ments or companies as he from time to time shall think most con-  
ducive to the public service. Copies of such general orders to be  
filed in the clerks office of the county where the regiment or com-  
pany shall be.

Division of  
State into  
regiments,  
etc.

That each brigadier general shall have one brigade major of his  
own choice, each of whom shall rank as major in the militia.

Brigade  
major

That each regiment shall have and be commanded by one colonel,  
one lieutenant-colonel, and one major unless in cases where it shall  
be thought necessary to appoint two majors with the rank authority  
and command to them respectively belonging as field officers. That  
each company shall be officered by one captain, one first lieutenant,  
one second lieutenant and one ensign as commissioned officers and  
by four serjeants four corporals one drummer and one fifer, and  
the staff of each regiment shall be one adjutant and one quarter  
master who shall respectively rank as first lieutenants. And the ser-  
geants, corporals, drummers and fifers shall be appointed by the cap-  
tains or other commanding officers of the several companies; and  
if any person so to be appointed a sergeant or corporal shall refuse  
to accept the said office he shall forfeit the sum of five pounds to be  
adjudged levied and disposed of in manner as is herein directed, in  
cases of persons neglecting squad duty.

Regimen-  
tal and  
company  
officers.

**Colors.**

That each regiment shall be provided with a standard or colours at the expence of the field officers, and each company with a drum and a fife, at the expence of the commissioned officers thereof.

**Troopers.**

*And whereas* it is or may be necessary that some troops of horse and companies of grenadiers be kept up within this State, that therefore in each county there may be troopers not exceeding fifty officers included to be formed into one or two troops each having one captain one first and one second lieutenant, and one cornet, two serjeants and two corporals to be composed of volunteers from the foot militia of this State, or others already in the horse service, and also a company of grenadiers in each regiment of foot which may conveniently furnish the same. That the said troops of horse and companies of granadiers shall respectively be formed and composed of volunteers in the respective beats and regiments respectively inhabiting at such convenient distances from each other that they may with ease and dispatch be called out for training and discipline, or for service. *Provided*, That no grenadier company shall be established in any regiment, except with the consent of all the field officers nor exceed sixty men officers included.

**Consent necessary.****Enlistments to be certified.**

That on every such inlistment of a volunteer the captain of such troop of horse or of such company of Grenadiers do immediately certify to the captain of the beat from which such volunteer shall inlist, the inlistment of the said voluntier into the troop of horse or company of grenadiers.

**Equipments.**

That each trooper shall be equipt furnished and provided with a good serviceable horse at least fourteen hands high with a good saddle, housen, holsters breast-plate and crupper a case of good pistols, a good horseman's sword, a pair of boots and a pair of spurs and a carbine well fixed with a good belt swivel and buckets and a cartridge box to contain twelve cartridges at least. That each grenadier shall be be equipt and furnished with a grenadier's cap a good musket and bayonet a broad sword a belt, pouch or cartridge box and so equipt and furnished, they the troopers and grenadiers shall respectively be called out in squads and companies as often (for the uses and purposes intended by this law) and under the direction of their inferior and principal officers as is hereby required with respect to the rest of the militia of this State.

**Appearance at reviews, training days, etc.**

That each non commissioned officer and private shall at every exercise by squads as herein after mentioned, and at every company or regimental training field day or review herein after directed, attend at the place or parade allotted for the squad, company or regiment to which he shall belong armed accoutred and provided as above directed.

**Companies to be divided into squads, etc.**

That the several companies of militia, horse and foot shall each be divided by the commissioned officers thereof into four squads, and one squad thereof shall be exercised and trained to discipline by the captain and the other three squads, by the other three commissioned officers of the ompany respectively, on each of which squads of foot one serjeant and one corporal and of which squads of horse one serjeant or one corporal shall attend for the purpose of assisting in exercising and training the squad, and in forming the squads, attention shall be paid to the respective places of abode of the several officers and privates of the company, by placing the privates respectively in the squad belonging to the officer nearest to whom they shall respectively reside. And the several officers are hereby authorized and required to call out their respective squads and exercise and discipline them twice a month sufficiently for their due instruction and improvement. That in order



to the same purpose and for compleating proper company returns every captain or other commanding officer of every company of militia whether horse or foot shall once in every two months call out his company to his place of parade which shall be the most convenient for the purpose where he shall parade his company, see that the non commissioned officers and privates are properly armed accoutred equipped and provided; note the several defaulters and sufficiently exercise and discipline the company for their due instruction and improvement. And if upon such exercise and discipline it shall appear to the officers of the said company or the majority of them that any of the said men are so perfect in the exercise as that they ought to be excused from squad duty, they are hereby authorized to give such person or persons an exemption from squad duty under their hands.

Company  
parades.

Exemp-  
tions from  
squad  
duty.

That each colonel or commanding officer of a regiment shall in the first or second week in *April* and in the first or second week in *November* in every year call out his regiment to his regimental parade, which shall be the place in his district the most convenient for the purpose and having paraded the same shall require from the captain or commanding officer of every beat in the regiment a return thereof expressing the exempts, and the absentees and the causes of the respective exemptions and absences, cause the said regiment except the exempts thus paraded, to be called by the company rolls and the arms, ammunition and accoutrements of each man to be examined, and the defaulters to be noted, and shall cause them to be sufficiently exercised trained and disciplined for their instruction and improvement, and shall within two weeks thereafter respectively make or cause a compleat regimental return (expressing therein by name the exempts or absentees) to be made to the governor or commander in chief for the time being until a brigadier-general be appointed to the brigade to which the regiment shall belong.

Regimen-  
tal parades.

That every troop of horse, shall on every regimental field day above mentioned attend and parade with the regiment under the command of the colonel, or other field officer of the district wherein the captain of the said troop shall reside and the captain or commanding officer of the troop, shall there be required by the colonel or commanding officer of the regiment to make him a proper return of the troop in the same manner as is above directed to be required of the captain of the companies of foot belonging to the regiment cause them to be called off by the return and proper inspection to be made of their respective horses arms, ammunition and accoutrements and their respective defaults to be noted. And shall cause the captain or commanding officer of the troop to train exercise and discipline the same sufficiently for their instruction and improvement, and shall include them in his regimental return afore-said.

Troops of  
horse to  
parade  
with regi-  
ment.

That every commissioned officer of the militia in this State who shall omit or neglect to perform any of the duties by this act enjoined on him of inrolling training exercising and disciplining in and to the use of arms the militia of this State or making perfect returns of the militia or not calling out to actual service the militia or any part thereof when necessary; and shall if under the rank of a brigadier be thereof convicted by a brigade court martial from the brigade to which he shall belong consisting of at least thirteen members, which court martial the brigadier is hereby authorised and required to appoint and direct to sit, and the sentence thereon be confirmed in manner herein after mentioned be *ipso facto* removed from his office and reduced to do duty in the ranks, as a foot soldier any exemption from duty to the contrary in any wise notwithstanding.

Officers  
neglecting  
duty to be  
court-mar-  
tialed.

Meeting of  
general  
and field  
officers to  
review  
court-mar-  
tial pro-  
ceedings.

*And be it enacted by the authority aforesaid* That the brigadier general and the field officers of each brigade shall on the second Tuesday in *January* and the second Tuesday in *June* yearly and every year meet together at such town or place within the brigade as the brigadier general shall appoint. To which meeting all sentences of courts martial in such brigades not before confirmed or disallowed shall be brought and shall by the said brigadier general or next commanding officer and field officers or the majority of them be respectively confirmed or disallowed upon determining all which the brigadier general or next commanding officer shall sit as president and shall immediately thereafter particularly report under his hand to the person administering the government of this State all such sentences as shall be so confirmed, and all brigadier generals, for offences, not particularly provided for in this law, shall be tried by a general court martial to be appointed by the commander in chief of the militia of this State and if on conviction the sentence thereof be confirmed by such commander in chief of the militia for the time being, that thereupon such brigadier general shall be removed from his office. That all sentences of courts martial so confirmed shall be by the person administering the government of this State, from time to time laid before the council of appointment to the end that they may appoint others instead of the officers so found guilty.

Fines for  
non-ap-  
pearance  
by non-  
commis-  
sioned offi-  
cers, etc.

That every foot soldier of the said militia who shall neglect to appear when called out, without sufficient excuse shall for every such offence forfeit the sum of twenty shillings and if he shall appear wanting any of the arms ammunition or accoutrements prescribed for him by this law without sufficient excuse he shall for every deficiency forfeit the sum of eight shillings; and if any noncommissioned officer or private in any troop of horse shall be charged with either of the said offences and shall not have sufficient excuse he shall forfeit for the offence of not appearing forty shillings and for every other of the said offences sixteen shillings. That all fines to arise from offences in a squad or company only shall be adjudged of and inflicted by the commissioned officers of such company and shall be levied with costs by warrant under the hand and seal of the captain or the commanding officer respectively directed to one or more of the sergeants of the said company by distress and sale of the goods and chattels of the offender and paid by the sergeant or sergeants to the said captain of the company or commanding officer.

How col-  
lected.

And that all fines to arise from the like offences upon the calling out of a regiment shall be adjudged of and inflicted by the field officers or the major part of them of the regiment and shall be levied, with costs by warrant under the hand and seal of the colonel of the regiment directed to one or more of the sergeants of the said regiment by distress and sale of the goods and chattels of the offenders respectively and by him paid to the said colonel or commanding officer; all which fines shall by them respectively be paid over to the quarter-master of the said regiment to be by him laid out under the direction of the field officers of the said regiment for arming accoutring and furnishing with ammunition the privates thereof in manner aforesaid; and where in any case no goods or chattels shall be found, then on such warrant such sergeant or sergeants shall take the body of the offender and him convey to the common goal of the county there to be kept in safe custody until he pay the said fine with costs and such goaler is hereby required and commanded to receive such offender with the warrant and him safely to keep until he shall have paid the said fine and costs. Which goaler shall on demand by such sergeant or sergeants pay the same to him or them and

thereupon such fines shall be disposed of in manner herein before directed for the disposal of fines.

That a captain of horse shall rank as eldest captain of the regiment and all officers in the militia shall take rank according to the dates of their commissions preference nevertheless being given to him who was entitled to rank, by a former commission before any other person in the same line of office with him to whom he had preference in rank by such former commission. Rank

That from all returns, to be made by the colonels or commanding officers of regiments respectively to the respective brigadiers general, brigade returns shall without delay be made to the commander in chief. Returns to be made.

That one brigade, regiment, troop of horse, or company of foot (except grenadiers who shall form on the right of the regiment) shall not be considered as elder than or having rank or preference of the other. But each brigade regiment, troop of horse and company shall be posted and disposed of in the line on command as the commanding officer on the spot, shall on every occasion or emergency think proper. Position in line, etc.

That on every emergency of a sudden invasion by the enemy or insurrection within this State, the commanding officer of any brigade regiment or company as the case may require shall immediately draw out the militia under his command and with them oppose the enemy, or the insurgents; and that all brigades, regiments and troops of horse and foot companies of the militia shall from time to time be subject to general brigade regimental and company orders as is usual according to the course and practice of war for suddenly taking the field for the purpose aforesaid. And all such orders by any officer under the rank of commander in chief shall be reported in writing by express to the governor or commander in chief for the time being and also to the colonel or commanding officer of the regiment if given by one under his command and if given by the colonel or the commanding officer of the regiment shall be reported to the brigadier general and if given by the brigadier general to the commander in chief; all which reports shall be acted upon by the respective persons to whom the same shall respectively be made as the emergency may require, and by such persons respectively be reported with their respective doings thereon to his next superior officer and so on in succession till they reach the commander in chief. Duty of commanders of brigades, etc., in case of invasion, etc.

That every person in the militia whether officer or private, when called out into actual service either to act separately or in conjunction with the troops of the United States of *America* shall from the time of his receiving due notice thereof from his commanding officer until he be properly discharged from that Service, if and as long as he shall perform the same and until properly discharged or dismissed be allowed pay and rations, according to the continental establishment; and on every wilful neglect or refusal to march after such notice as aforesaid shall be dealt with as a deserter, or having marched out on such notice, and before his proper discharge or dismissal shall commit any offence or shall before such discharge or dismissal desert from the corps to which he shall belong, or from his post shall for every such offence be subject to the rules and articles established by the continental congress for the better government of the troops raised or to be raised and kept in pay by and at the expence of the United States of *America* which shall be put in execution against the offender by the militia orders and authority in like manner as the same are put in execution in the continental army, against offenders therein by proper orders and authority thereof, and that in all such cases the governor or commander in chief for the time being and all militia officers subordinate to him shall and may enjoy and exercise Pay and rations.

Liable to rules and articles of war from time of receiving notice.



all the powers by the said rules and articles of war given to the commander in chief of the army of the United States and the several officers subordinate to him in the said army.

Power to  
order out  
militia.

That the governor or commander in chief for the time being shall have power and authority from time to time in his discretion to order out the whole or any part of the militia of this State into actual service not only for the defence of this State but to give assistance to any of the other United States, or to reinforce the army of the United States or any part thereof and to cause them to march out of this State for either of the said purposes; *provided always* That none of the militia of this State shall be compelled to do duty out of the same, for a greater space of time than forty days.

Service out  
of State  
limited.

Regular  
courts  
martial to  
be institu-  
ted.

That for the several purposes aforesaid regular courts martial and of inquiry shall from time to time as cases may require be instituted and formed, and general brigade and regimental orders from time to time given upon the plan directed by the aforesaid rules and articles for the better government of the troops of the said United States, and by the officers in rank respectively in the militia, equal with those respectively authorized for the purpose by the said articles of war. In respect whereof the governor or commander in chief and all militia officers respectively shall be considered as on the same footing as the general and commander in chief of and as the officers in their respective ranks be-  
longing to the army of the United States of *America*. *Provided always*

Proviso as  
to sentence  
of commis-  
sioned  
officers.

That no commissioned military officer except when questioned upon the aforesaid rules and articles of war, shall be sentenced or adjudged to any other punishment than to be broke and rendered incapable of any military office whatsoever within this State. *And provided also* That it shall and may be lawful for a court martial, whenever they shall conceive it proper to fix and determine a fine for which any person adjudged to receive corporal punishment may commute such punishment, and if the said fine shall be paid within the time by the court martial for that purpose limited, the said person shall be accordingly acquitted of such corporal punishment. That all such fines shall be paid into the hands of the eldest militia officer from this State on the spot, and shall by him be paid into the treasury of this State.

Proviso as  
to fine in-  
stead of  
corporal  
punish-  
ment.

Privates to  
be divided  
into classes  
and per-  
form tour  
of duty in  
numerical  
order

That a roll of the privates of each company, horse and foot, shall be made and divided by the captain or commanding officer of the company, into eight classes, as nearly equal in number to each other as conveniently may be and a sergeant or a corporal shall be allotted on the roll by the captain or commanding officer to each class; which said eight classes in each company shall, on detachments or drafts in pursuance of this law perform their tour of duty in numerical order; and to ascertain which class shall take the first, which the second which the third and which the fourth tour of duty on detachment and so on to the eighth class; eight slips of paper numbered respectively from one to eight inclusively shall be so rolled up or otherwise closed as to conceal the number, and being put into a hat box or vessel and well shook together in the same the sergeant or corporal of each class shall in the order to be directed by the captain or commanding officer in behalf of his class take out one of the ballots, and the numbers drawn by the sergeants and corporals respectively, shall determine the respective tours of duty of their several classes. The class which draws number one to have the first tour of duty, and so on the numerical order throughout all the eight classes, determining their respective tours of duty and in the same numerical order shall the eight classes continue their rotation without any new balloting until the numbers respectively contained in each class shall by the events

Tours of  
duty to be  
determined  
by ballot.

of war or other accidents become very unequal when there shall be a new balloting as above directed.

That when and as often as the classes shall be thus fixed each captain or commanding officer of each company shall form a roll consisting of the eight classes and containing the names of the men in each class with the names of the sergeant and corporal respectively prefixed to each class and numbered according to the order of balloting; which he shall keep for his own use guidance and direction and shall notify each sergeant corporal and private to what class he shall belong and shall return a copy thereof with the list of his commissioned officers prefixed thereto, without delay to the colonel or commanding officer of the regiment, who shall enter all such and every other company return, in a book to be kept by him for the purpose.

Roll of  
classes.

That the colonel or next commanding officer of the regiment shall on receipt of all the classed returns of the companies in his regiment convene together all the commissioned officers in his regiment and proceed in like manner to fix by ballot the respective tours of duty of all the commissioned officers under the rank and degree of a field officer from and including number one to and including such number as shall be equal to the number of companies in the regiment. Which balloting shall be made separately and severally in the four several lines of office and be entered by the colonel or commanding officer in his said book, as also the quota of each detachment both as to officers and privates in order thereby from time to time to ascertain the rotation of the service of both; which shall ever be determined by such quota's respectively.

Tours of  
duty to be  
fixed by  
ballot.

That if there be two majors belonging to a regiment they shall decide by lot which of them shall take the first tour of duty and the order or tour of duty thereby established shall ever after govern.

That to establish the rotation of duty on detachments among the several field officers in the regiments composing a brigade, the colonels, lieutenant colonels and majors shall without delay meet together and decide the same by several and separate lots in numerical order as aforesaid in the several lines of office; which being done a roll thereof shall immediately be made, and subscribed by them all and returned to the brigadier general of the brigade.

That to a brigadier generals command of detachments the person administering the government shall appoint such brigadier respectively as shall in his judgment appear most proper for advancement of the service.

Brigadier  
to be ap-  
pointed by  
governor.

That every private shall be allowed to substitute on detachments an able bodied private in his stead who shall nevertheless take his own tour of duty in the order wherein it shall have been fixed as aforesaid; and that in case by sickness or unavoidable accident an officer or private shall be prevented from taking his tour of duty on any detachment, the next to him on the respective rolls of detachment without regard to classes with respect to privates shall fill his place and the person so prevented shall in return take the proper next tour of duty on detachment, of him so filling his place; and all classings as aforesaid shall go on in rotation in the several numerical orders above mentioned, as long and as often as the public service shall require the same. *Provided always* That the governor or commander in chief of the militia for the time being shall and may from time to time in his discretion order out on detachment as great a part of any brigade or regiment or troop of horse, or the whole militia into actual service; and also that the like discretionary power may on sudden emergencies and without waiting for the order of his superior officer, be exercised by the commanding officer of any brigade, or regiment or troop of horse, or foot company respectively over

Substitutes  
to be al-  
lowed.

Governor  
may order  
out whole  
or part of  
force.

Emer-  
gency cases  
like power  
exercised  
by com-

manding  
officers.

each such brigade regiment troop of horse or foot company respectively giving notice thereof in writing without delay, together with all things relating thereto as well to his commanding officer as to the governor or commander in chief for the time being.

Persons  
exempt  
from serv-  
ing in en-  
rolled  
militia.

That all persons under the age of fifty five years, who have held civil or military commissions and are not or shall not be reappointed to their respective proper ranks of office and all other persons between the ages of fifty and fifty five years who have not associated and elected their officers, and shall associate themselves in manner herein after mentioned, shall be exempted from serving as part of the enrolled militia and within eight weeks after the passing of this act form themselves into voluntary associated regiments or companies according to their number in each respective county and recommend their own officers; and that all such associated regiments or companies whether already associated or hereafter to associate shall make returns thereof respectively to the governor or commander in chief for the time being without delay after the said term of eight weeks, who with the advice of the council of appointment shall issue commissions to them accordingly. In default of which returns they shall respectively do duty in the ranks with the militia of the beat within which they shall respectively reside until they shall respectively associate as aforesaid. That the substance of such associations shall be, that the associators will severally on all occasions obey the orders of their respective commanding officers and will in cases of invasion or incursions of the enemy or insurrections march to repel the enemy or suppress such insurrection, in like manner as the enrolled militia are compelled to do: So as that they shall not when called out in detachments be annexed to any other regiment or company or be under the immediate command of any other than their own officers.

Ibid.

That the lieutenant-governor, members of the senate members of the assembly and their several clerks and all judicial officers, the secretary of this State, and two of his deputies, the treasurer, the auditor-general, and the attorney-general of this State, the commissioners for defeating conspiracies the clerks and registers of courts and the county clerks and sheriffs and their respective deputies not exceeding one and the coroners not commissioned in the militia and all ministers of the Gospel and all physicians and surgeons except in their several and respective professions and callings and the actual occupant of every grist mill, and all ferrymen licensed by the governor or commander in chief for the time being shall notwithstanding their being respectively able bodied above sixteen and under sixty years of age and all such persons in the service or employ of the United States or of this State or engaged or employed in any manufacture or business so that it it would be for the good of the public that they should be exempted, who shall procure special exemptions from the commander in chief of the militia for the time being under his hand shall respectively be exempted from training and doing duty in the militia. But shall nevertheless be armed accoutred and provided as above mentioned.

Ibid.

That all those male persons between the ages of sixteen and fifty five years who in judgment of law are or shall be of the people called Quakers shall be exempted from all personal military service whatsoever to which they would respectively be subject by this law were they not respectively of the people called Quakers. And for such exemption shall yearly and every year severally pay the sum of ten pounds in lieu of all military service whatsoever required by this law except services on detachments and calling out the militia for actual service by virtue of this law in which cases each of them shall annually pay the sum of ten pounds

Payment  
to be  
made for  
exemption.



and for the purpose of levying the said annual sums the captain of every beat shall annually return to the supervisors of the district wherein he shall reside a list of such Quakers as aforesaid residing within his beat. And the supervisors of the county at either of their meetings shall make out a separate tax list thereon with a warrant to be issued by them to the collectors respectively for levying the same in the manner prescribed by a certain law passed by the legislature of this State during this session entitled *An act for raising monies to be applied towards the public exigencies of this State*" and the monies to be levied on such warrant shall be paid and disposed of in such manner and subject to such deductions as by the said law is directed with respect to the monies to be levied by the said law on personal estates within this State, and in default of goods and chattels of any Quaker so to be assessed as aforesaid the warrant for levying the same shall authorize the collector to commit him to the county gaol and the keeper of the said gaol is hereby required to keep him in safe and secure custody in the said gaol until he shall have paid the sums so assessed on him as aforesaid, to the said collector who is hereby required to dispose of the same in manner aforesaid. *Provided always* That this law or any thing in the same contained shall not in cases of drafts or detachments of the militia affect any person who has furnished or shall furnish a sufficient able bodied man for service in one of the five continental regiments of this State pursuant to law. That in all cases where notice is required by this act verbal notice to the party himself or left at his usual place of abode with a person of the years of discretion by any commissioned or non commissioned officer or corporal of the company, shall be deemed a legal and sufficient notice.

Tax list and warrant to be issued by supervisors.

Proviso as to persons furnishing substitutes.

*And lastly* That every article, clause, provision, matter or thing in any law or resolution of the legislature, or any provincial congress, or convention or committee, or council of safety of this State for the regulation of the militia thereof which is repugnant to, or in any wise inconsistent with the provisions hereby made, or any or either of them, shall be and the same are hereby declared and enacted to be absolutely repealed and made null and void to all intents constructions and purposes whatsoever. And this act shall continue in force for the space of two years from the publication thereof and no longer.

Inconsistent acts repealed.

## CHAP. 34.

AN ACT to regulate the wages of mechanicks and labourers, the prices of goods and commodities and the charges of innholders, within this State, and for other purposes therein mentioned.

PASSED the 3d April, 1778.

WHEREAS the honorable the congress of the United States of Preamble.  
*America* by certain resolutions bearing date the twenty second day of *November* in the year of our Lord one thousand seven hundred and seventy seven, did among other things therein mentioned recommend to the legislatures of the respective states of *New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations Connecticut, New-York, New-Jersey, Pennsylvania and Delaware* respectively to appoint commissioners to convene at *New-Haven in Connecticut* on the fifteenth day of *January* then next in order to regulate and ascertain the price of

Proviso as  
to expen-  
ses of  
judges.

Provided that nothing herein contained shall be construed to oblige the said judges to meet for the purpose aforesaid, unless the quarter master or quarter masters within this State shall previously engage for the payment of the expence which the said judges may respectively be put to, in attending such meeting.

Time act to  
continue  
in force.

*And be it further enacted by the authority aforesaid,* That this act shall continue in force until twenty days after the next meeting of the legislature and a quorum of both houses convened and no longer.

See also original p. 137.

## CHAP. 33.

AN ACT for raising one thousand men for the defence of the frontiers of this State.

PASSED the 13th of March, 1779.

One thou-  
sand men  
to be  
raised.

*Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same,* That one thousand men, including officers shall be raised for the defence of the western and northern frontiers of this State and for such other military services as the person administering the government of this State for the time being shall from time to time think necessary for the safety and defence of this State to continue in service until the first day of January next unless sooner discharged and shall be allowed the like pay and rations as are allowed in the army of the United States of America.

And in order to expedite the raising of the said men

Governor  
to appoint  
officers,  
etc.

*Be it enacted by the authority aforesaid* That the person administering the government of this State for the time being do by and with the advice and consent of the council of appointment appoint the officers of and arrange the said body of troops into two distinct corps of five hundred men each, officers included, each of them to have and be commanded by one lieutenant colonel, one major, five captains, five first lieutenants and five second lieutenants, and to have one surgeon one adjutant and one quarter master. That, the captains and lieutenants shall immediately on receipt of their commissions do their utmost endeavors to raise the said men.

Levies to  
be raised  
by draft  
from the  
militia.

*And be it enacted by the authority aforesaid* That the levies to be so raised by virtue of this act shall be raised by drafts from the militia of this State; as soon as conveniently may be after the passing of this act. That drafts for the purpose aforesaid shall be made from the militia aforesaid of such of the counties or parts thereof, as the person administering the government of this State for the time being shall direct and in such proportions and in such manner as by orders from him to the several and respective commanding officers of the several regiments or companies shall be directed; and the several commanding officers and all and every other officer or officers belonging to the several regiments and companies in any of the counties aforesaid who shall neglect or refuse to execute or obey the orders to be issued by the person administering the government of this State for the time being in this behalf shall suffer and incur such penalties pains and punishments as shall be adjudged by a court martial for that purpose to be instituted and appointed by the person administering the government of this State for the time being, to be composed of such officers belonging to the militia of this State as shall by him be nominated and appointed for that purpose.

*And be it further enacted by the authority aforesaid* That all such persons as were by the act for compleating the five Continental battalions raised under the direction of this State, exempted from being drafted, shall also be exempted from being drafted into the levies to be raised by virtue of this act; and that all persons so exempted (ministers of the gospel, and persons who have procured others to enlist in either of the said five battalions according to law excepted) and that all other male persons who though incapable from bodily infirmity to bear arms, may in the judgment of the assessors be able to contribute towards a bounty for the said levies shall be assessed, and the sums to be assessed upon such persons respectively shall be collected in like manner as is directed by the said act and when collected paid into the hands of the colonel or commanding officer of the regiment to be by him distributed and divided to and among the drafts to be furnished by the said regiment for the levies to be raised by virtue of this act; and that every such exempt shall be subject to be assessed in any sum not exceeding fifty dollars. Provided that if any person so exempted being capable of bearing arms, and between the ages of sixteen and sixty years who previous to his being assessed shall prefer standing his draft shall be at his option so to do and such person shall with respect to the draft to be made in pursuance of this act be deemed as belonging to the militia company, in the beat whereof such person shall reside.

Persons  
exempt  
from  
draft, etc.

Exempt  
persons  
named  
may elect  
to stand  
draft.

*And be it further enacted by the authority aforesaid* That the person administering the government of this State for the time being shall be and he is hereby authorized and empowered to order and direct the erecting of small forts or posts of security at such places on the said frontiers as he shall think proper.

Forts to be  
erected.

*And be it further enacted by the authority aforesaid* That if any soldier or non commissioned officer shall refuse to march after being drafted and notified of the same by writing subscribed by his commanding officer and left at his usual place of abode he shall be deemed and considered as a deserter and treated in the same manner as if belonging to any regiment or company of either of the five Continental regiments raised under the direction of this State; and that the levies to be raised by virtue of this act shall from the time they shall be enlisted or drafted be subject in all respects to the rules and regulations contained in the articles of war made by the congress of the United States of America for regulating the army of the said States.

Persons  
drafted  
and refus-  
ing to  
march  
deemed  
deserters.

*And be it further enacted by the authority aforesaid* That every man to be voluntarily inlisted or drafted into either of the said corps shall be provided with a good musket or firelock, cartouch box or pouch capable of containing not less than seventeen charges of ammunition a napsack or haversack and a good blanket on pain of being dealt with by a court martial in such way as he ought to be dealt with by a court martial in case the said articles had been provided for him at the public expence and he had divested himself of them severally and respectively by his own will or neglect.

Accou-  
trements.

*And be it further enacted by the authority aforesaid* That it shall be lawful for the person administering the government of this State for the time being, in case of a requisition to this State, before the tenth day of April next to compleat the five Continental battalions raised under the direction thereof to draft all or any number of the privates in the levies to be raised in pursuance of this act, into the said five battalions, and such number to each battalion as he shall think proper to serve until the first day of January next; and in such case to reduce and dismiss a proportional number of the officers in the said levies.

Governor  
authorized  
to make  
draft.



States or from this or any other of the United States, on affidavit of such service to be read and filed in court, such counsellor, solicitor or attorney shall be restored to his full privileges any thing in this act contained to the contrary in any wise notwithstanding.

## CHAP. 13.

See also original  
pp. 158, 159.

AN ACT further to amend an act entitled An act for regulating the militia of the State of New York, and other purposes therein mentioned.

PASSED the 9th of October, 1779.

WHEREAS experience and the present exigences have shewn the said law to be defective in many instances which require a remedy. Preamble.

*Be it therefore enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, as follows, that is to say.*

*First* That an adjutant general be appointed by the council of appointment of this State, and commissioned as by the constitution thereof is directed with respect to militia officers, that he shall do and perform in and relating to the militia of this State all the duties and services appertaining to the office of adjutant general, and shall from time to time obey and execute the orders of the commander in chief of the militia for the time being respecting the said militia, be entitled to such rank as he might have been entitled to in consequence of any commission which he may have held under the United States or this State and as such may be employed on command. And for his services in the said office shall have and receive Continental pay and rations as a colonel, which allowance shall be made to him only for the time he shall be in actual service in his said office to be certified by the commander in chief of the militia for the time being and on such certificate the same shall be paid by the treasurer of this State out of any money in the treasury Adjutant general, appointment and duties of.  
  
Pay and rations.

*Secondly.* — That as soon as an adjutant general shall be appointed returns every three months shall be made of the men, arms, ammunition, accoutrements and other equipments required by the said law from every brigade and unbrigaded regiment, to the adjutant general, that is to say from every brigade by the major of brigade, and from every unbrigaded regiment by the adjutant of the regiment. All which returns shall first respectively be certified by the several commanding officers of brigades and unbrigaded regiments, to be just and true returns of the several corps by them respectively commanded; And each of the said returning officers shall from time to time be paid his necessary travelling expences in going to the adjutant general with his returns and in returning home. And to enable the making of brigade returns each adjutant of the regiment and captain of exempts shall make the like returns to the brigadier general or colonel commandant and the returns of brigaded regiments shall first be certified in manner aforesaid by their several and respective commanding officers. Returns to be made to.

Provided always that such returns hereby required of companies of exempts shall not deprive them except in the instance of returns of any exemptions given them by the said law; nor be construed in other respects to subject them to the command of the brigadier general or colonel commandant within the compass of whose brigade they may Proviso as to returns of exempts.

reside; and for liquidating the amount of such necessary expenses as abovesaid from time to time particular accounts thereof shall respectively be made and attested on oath before a justice of the peace and being delivered to the treasurer with a receipt of the respective officers entitled to payment thereof shall be paid by the treasurer out of any monies in the treasury.

Fines increased.

*Thirdly.*—That all fines for neglect or non performance of any duties required by the said law, be and are hereby increased in a five fold proportion, and all fines imposed by the said law on the people called Quakers in nature of compositions for exemptions from duty or service in the militia be and are hereby increased in a five fold proportion.

Expenses of attending courts martial to be paid out of fines.

*Fourthly* Whereas the militia officers are frequently put to great expence in attending general courts of inquiry and courts martial; the same shall respectively be ascertained from time to time by the president of such courts respectively and be paid from time to time out of the fines arising from each regiment or corps of exempts and which are by the said law required to be paid into the treasury of this State and such certificates shall respectively be delivered from time to time by the respective officers entitled to receive the several fines imposed by the said law into the treasury of this State together with the remaining balance of such fines. That every such officer so receiving such fines respectively as by the said law are made payable into the treasury of this State, shall from time to time, as the same shall accrue and be received, account for, and pay the same to the said treasurer in manner aforesaid at the expiration of every three months to commence at and from the thirtieth day after the passing of this law. And in default of any such payment whether of fines which have heretofore accrued or shall hereafter accrue the said treasurer is hereby authorized and required to commence and prosecute to effect in his name and to the use of the people of this State against every such defaulter an action on the case at law, or a suit in equity for recovery of the same respectively and shall on every judgment or decree in his favor recover thereby double the amount of such fines respectively with full costs to be taxed.

Officers to account for fines received.

Residue to be paid in State treasury.

*Fifthly* And whereas sums have been assessed in cases of detachments or drafts upon exempts, and the whole of the monies so assessed have not been paid to the men detached or drafted, but the residue unpaid, to a considerable amount, still remains in the hands of many of the officers of the militia. That every officer possessed or who shall hereafter be possessed of such residue shall pay the same into the treasury of this State and upon neglect or refusal shall be compellable to pay the same in like manner as is herein directed with respect to the fines they may receive.

Officers to be reimbursed moneys expended.

*Sixthly* Whereas the commanding officers of brigades and regiments are frequently on extraordinary emergencies obliged to disburse of their own monies for paying expresses. For reimbursement thereof the said treasurer shall and is hereby required from time to time to repay the same out of any monies in the treasury, Provided that the accounts thereof respectively shall be first sworn to before a justice of the peace of this State.

Commander in chief may call out militia, etc.

That the commander in chief of the militia of this State for the time being who is by the said law authorized to call out the militia of this State for actual service by classes, is whenever it shall in his opinion be necessary to reinforce the Continental army hereby authorized and empowered to call them out without regard had to such classes and in such numbers as he shall think proper, form them into brigades and regiments and assign to them such officers for their command out of

the whole body of officers of the militia as he shall judge fit in their respective ranks of office and without any regard had to the particular corps of officers respectively belonging to each brigade or regiment of militia from whence the men shall be detached for such service; The commanding officer in each regiment, paying due regard in forming their respective detachments, of non commissioned officers and privates for such service to the rotation established by such classes, any thing in the said law to the contrary hereof in any wise notwithstanding.

*Seventhly.* Whereas by the above mentioned law it is provided that none of the militia of this State shall be compelled to do duty out of the same for a greater space of time than forty days; and on special emergencies such time may prove too short, the said commander in chief is hereby authorized and empowered to require any number of the militia not exceeding the third part of the militia of this State, for either of the purposes in the said law mentioned to do duty out of this State for any space of time not exceeding three months together, all of whom so to be required shall respectively be subject to the respective pains and penalties prescribed by the said law for any refusal or neglect of duty, desertion and other offences respectively which shall be committed during such space of time any thing therein contained to the contrary hereof in any wise notwithstanding. Duty out of State.

*Eighthly* Whereas the said commander in chief may soon judge it proper to order a great part of the militia to take the field for actual service and in such case it will be necessary that each man, be supplied towards his subsistence with forty pounds weight of flour thereby to prevent as much as possible any diminution of the magazines belonging to the United States of America the captains and subalterns of each beat out of which the men shall respectively be taken shall and are hereby required on receipt of the orders of the said commander in chief for the purpose by purchase within the beat, to provide for each man the above mentioned quantity of flour and to put the same into casks sufficient for transportation, for which flour they shall pay the persons who shall respectively supply the same at and after the rate of the highest price for which flour shall then be sold in this State: And if the commissary general of purchases of the army of the United States shall not on producing the receipts of the quarter masters of the regiments respectively provide means for paying for the said flour and casks the treasurer, on the audit of their respective accounts on oath by the auditor general of this State shall in such case pay the same out of any monies in the treasury and charge the same to the account of the United States of America. Flour to be provided in case militia is ordered into actual service.

*Ninthly*— That in such case as last aforesaid the said commander in chief shall be authorized to call into actual service such proportion of the corps of associated exempts as he deem necessary. Associated exempts may be called into service.

*Tenthly.* Whereas it is necessary that the military magazine of this State should always be well supplied with ammunition; Colonel John Lasher commissioner of the military stores of this State shall and is hereby required without delay in addition to the said military stores to purchase one ton of gun powder and to apply and dispose of the same from time to time in manner as is directed by law concerning the other military stores of this State, and to draw for the purchase money thereof on the treasurer of this State who is hereby required to pay and discharge such draft to the person in whose favor the same shall be drawn out of any monies in the treasury. Gun powder to be purchased

*Eleventhly* That the tenth and eleventh clauses of the aforesaid law be and are hereby absolutely repealed annulled and made void. Clauses repealed.



Commis-  
sioners not  
to execute  
leases.

*Be it further enacted by the authority aforesaid,* That the said commissioners shall not from and after the passing of this act, be authorized to lease any lands or tenements within the the middle district, except such lands or tenements as lay on the south side of the mountains in Orange county, or any lands or tenements in the county of Albany, except such lands or tenements as being on the west side of Hudson's river, do also lay on the north side of the Mohawk river, which may be deemed to have become forfeited to the people of this State, in consequence of the attainder of any or either of the offenders named in the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State, in respect to all property within the same."

Commis-  
sion in lieu  
of wages.

*And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the wages heretofore allowed to the said commissioners shall cease, and that in lieu thereof, the commissioners for each respective county or districts shall be allowed a commission of ten per cent on the monies hereafter to become due to them, and which they shall respectively from time to time pay into the treasury of this State.

## CHAP. 53.

### AN ACT to raise troops for the defence of the frontiers.

PASSED the 11th of March, 1780.

When  
troops to  
be raised.

*Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That troops shall be raised for the defence of the frontiers of this State

List of  
male in-  
habitants  
to be  
made.

for the ensuing campaign whenever the congress of the United States shall have declared that the said troops shall be paid and subsisted at the expence of the said United States: That the commanding officer

Field offi-  
cers to  
meet and  
divide  
regiment  
into  
classes.

of each regiment of militia shall cause just and exact lists to be made and returned of all the male inhabitants (slaves excepted) of the age of sixteen years and upwards resident within the district of the regiment.

List to be  
delivered  
to officer  
or person  
belonging  
to class and  
each class  
to deliver  
able bodied  
man fully  
equipped.

That the said commanding officer together with the other field officers of the regiment shall within one week after such returns shall be made meet together at such time and at such place within the district of each regiment as the commanding officer thereof shall appoint. That at this meeting the field officers or the major part of them shall divide the regiment agreeable to such return thereof into classes each class to consist of thirty five names, and if there should be a surplus of names after the regiment shall be so divided into classes the majority of the said field officers shall add the persons of which such surplus shall consist to the several classes and in such proportion to each class as they shall think proper so that the several classes shall with respect to estate and ability be as nearly equal as may be. That the commanding officer of the regiment shall cause to be delivered to a militia officer or to some other reputable person belonging in each class a list of the class. That each class shall after the expiration of fifteen days from the delivery of such list furnish and deliver to the commanding officer of the regiment at such time and at such place within the district of the regiment as he shall from time to time appoint, notice whereof shall be given to the person to whom the list shall be delivered, one able

bodied man to be provided with a good musket or firelock cartouch box or pouch capable of containing seventeen charges of ammunition, a knapsack or havesack and a good blanket, to serve in the corps to be raised by virtue of this act for the defence of the frontiers until the first day of December next, unless sooner discharged. That if any class shall omit or neglect to furnish and deliver a man to be accounted and provided as aforesaid, within the time or times for that purpose to be appointed as aforesaid, the commanding officer of the regiment shall thereupon convene the assessors of the ward town manor district or precinct wherein such class shall be at such time and place as the said commanding officer shall appoint. That the said commanding officer shall lay before the said assessors a list of the names of the persons belonging to such delinquent class—That the said assessors or a majority of them which shall be so convened shall thereupon assess upon such class a sum equal to double the amount of the highest bounty which shall then have been given by any class in the regiment for a recruit to be raised in pursuance of this act, and shall apportion the said sum to and among the several persons composing such delinquent class in such manner as the assessors shall deem reasonable, due regard being had to the circumstances and ability of each respective person. That the said commanding officer shall thereupon deliver the assessment-roll to such serjeant in the regiment as he shall appoint for the purpose. That the said serjeant shall thereupon by distress and sale levy of the several persons named in such assessment roll the sums opposite to their respective names and shall after deducting therout a poundage of one shilling in the pound for his services in collecting the said monies pay the same to the said commanding officer by whom they shall be paid into the treasury of this State—That if any person shall refuse to pay the sum assessed upon him and shall not be possessed of goods and chattels whereof the same can be levied, the said commanding officer, shall by warrant under his hand to be directed to any serjeant of the regiment cause such person to be committed to the gaol of the county, or if there shall be no gaol in the county to the next nearest gaol, there to remain without bail or mainprize until the sum so assessed upon him shall be paid to the commanding officer of the regiment—That if any one or more persons belong to a class shall at his or their own costs and expences procure the man to be furnished by such class, or provide the man so to be procured with arms accoutrements and a blanket as aforesaid, the person or persons who shall advance monies for either of the purposes aforesaid shall have a remedy against the several other persons in the class to recover from them their respective proportions of the said monies so advanced by suit to be commenced before a justice of the peace of the county and in determining such proportion, due regard shall be had to the circumstances and abilities of the defendant compared with the circumstances and abilities of the other persons in the class and the justice or jury shall assess the damages of the plaintiff or plaintiffs accordingly and the justice shall be authorized to have cognizance of such action notwithstanding the sum in demand may exceed the sum of one hundred pounds. That the corps to be raised by virtue of this act for the defence of the frontiers shall be subject to the rules and regulations contained in the articles of war made or to be made by the congress of the United States of America for regulating the armies of the said States and that courts martial for the trial of any person belonging to the said corps shall consist of officers belonging to the army of the United States or to the militia of this State or to the said corps as the person administering the government of

Assessment to be made against delinquent class.

Collection of assessment.

Persons having no goods and refusing to pay to be committed to gaol.

Persons advancing money to furnish man to have remedy against other persons in class.

Corps subject to rules and articles of war.

Levies to be divided into corps and necessary officers appointed.

Oath to be made to lists.

Exempt persons.

Penalty for refusing to meet and make assessments.

this State for the time being shall order and direct.— That the person administering the government of this State for the time being shall from time to time make such arrangement of the said levies intended for the defence of the frontiers and divide them into such and so many corps as he shall deem proper and shall by and with the advice and consent of the council of appointment, appoint the necessary officers accordingly.— That the commanding officers of the regiment shall cause the levies to be raised by virtue of this act to march to such place or places of rendezvous as the person administering the government of this State shall appoint — That this law shall be carried into execution by general orders to be issued for the purpose by the person administering the government of this State for the time being from time to time and whenever he shall deem it expedient, after the congress of the United States shall have declared that the troops to be raised in pursuance of this act shall be paid and subsisted at the expense of the said United States and each and every commission or non commission officer of the militia who shall omit or neglect to do or perform any matters or duties imposed on or required of him, shall be subject to and incur such penalties and punishments as shall be adjudged against him by a court martial to be instituted and appointed for the purpose to consist of officers belonging to the militia of this State.— That the commanding officers of the several companies of militia shall be authorized and required to administer an oath to the several serjeants and corporals whom they shall order and direct to make such lists as aforesaid that the lists by them respectively made and returned are just and true.— That the following persons shall be exempted from the draft to be made in pursuance of this act and their names shall be omitted out of the lists herein before mentioned, that is to say all ministers of the gospel, all persons who have heretofore procured others to enlist in either of the Continental battalions raised under the direction of this State, according to law and who shall produce certificates thereof so as the time for which the respective persons so procured did engage to serve shall not have expired at the time when the said lists shall be respectively made, all physicians, surgeons and surgeon's mates belonging to the general hospital of the United States, and all such persons who in judgment of law are or shall be of the people called Quakers.— That if the assessors shall upon being duly notified, refuse or neglect to meet at such time and place as the commanding officer of the regiment shall appoint for the purpose of making the assessments herein before mentioned, or meeting shall neglect or refuse to make such assessments the assessors so offending shall for each offence forfeit the sum of one hundred pounds to be recovered in a summary way before any justice of the peace of the county by the said commanding officer by suit to be commenced in his own name and the said penalty when recovered shall be paid by the said commanding officer into the treasury of this State.



## CHAP. 78.

AN ACT to compleat the continental battalions, raised under the direction of this State.

PASSED the 1st of July, 1780.

Lawful for  
privates  
named to  
enlist in  
Con-  
tinental  
battalions;  
bounties  
to.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same ;* That it shall be lawful for any private belonging to the levies raised in pursuance of the act for raising levies for the defence of the frontiers, passed the 11th day of March last, or to the levies raised in pursuance of the act for raising levies to reinforce the army of the United States, passed the twenty-fourth day of June instant, to inlist in either of the Continental battalions raised under the direction of this State, and to serve until the fifteenth day of December next, and that the privates so inlisting shall exclusive of their pay and rations be entitled to the following bounties in wheat, that is to say, such private who shall so inlist on or before the first day of August next ten bushels of wheat — and each private who shall so inlist after the first day of August at the rate of one bushel and an half of wheat — for each month he shall serve in the said battalions —

And in order that this said bounty may be punctually paid —

Certificate  
to be de-  
livered to  
justice of  
the peace,  
etc.

*Be it further enacted by the authority aforesaid,* That the private so inlisting shall produce and deliver a certificate to any justice of the peace from the commanding officer of the battalion in which such private shall have served, purporting that such person did inlist from the said levies and specifying the time when he did inlist, and that he served in the said battalion until the expiration of the term aforesaid — That such certificate shall be transmitted by such justice to the person administering the government of this State for the time being, who shall thereupon grant a warrant of impress to the said person authorizing him to impress the quantity of wheat to which he shall be entitled from any person whom the said justice shall deem can conveniently spare the same and whose name shall be endorsed on the warrant by the said justice — That the person from whom such wheat shall be impressed, shall upon producing such warrant, with a receipt thereon, endorsed for the quantity of wheat therein mentioned, be intitled to receive from the collector of the town, manor, district or precinct or the treasurer of the county, at the rate of twelve shillings, in bills of the new emission for each bushel of wheat so impressed, and the collector or county-treasurer are hereby required to pay the same, out of any monies which they may then have in hands, collected or received for taxes.

Warrant of  
impress  
to be  
granted by  
governor.

Payment to  
be made.

Defi-  
ciencies in  
levies to be  
made up  
by drafts  
from  
militia.

*And be it further enacted by the authority aforesaid,* That all deficiencies which may arise in the said levies by reason of inlistments from the same or otherwise, shall from time to time be made up by drafts or detachments from the militia and from such regiments and companies and in such manner as the person administering the government for the time being, shall deem most expedient; and each person who shall be so drafted or detached from the militia shall be intitled to a bounty of one and an half bushels of wheat for each month he shall serve in the said levies, to be paid upon the certificate of the commanding officer of the regiment, in which he shall so serve, in like manner as is above directed; and shall moreover upon his inlisting in either of the said Continental battalions to serve until the said fifteenth day of December, be intitled to the bounty granted in such cases.

*And be it further enacted by the authority aforesaid,* That if any person to inlist in the said battalions as aforesaid, shall before the said fifteenth day of December die while in service, the legal representative of such person shall be intitled to the said respective bounties, in like manner as the said person would have been, if he had not so died; and also that if any person so to inlist as aforesaid, shall before the said fifteenth day of December, be rendered incapable of service, he shall notwithstanding be intitled to the said respective bounties, in like manner as above directed.

Legal representatives of deceased soldier entitled to bounties.

*And be it further enacted by the authority aforesaid,* That the bounty of twenty dollars mentioned in the said act passed the twenty fourth of June last, for such person of the said levies who shall inlist in the said battalions during the war, shall be encreased to fifty dollars.

Bounty increased to fifty dollars.

## CHAP. 79.

AN ACT for the payment of the salaries of the several officers of government, and of certain debts due from this State.

PASSED the 1st of July, 1780.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That there shall be allowed and paid to the several officers and persons, herein after mentioned, the several salaries and sums herein after specified, and the treasurer is hereby required to pay the same accordingly, that is to say—

Appropriations.

To his excellency the governor, for administring the government of this State from the first Monday in July last, to the first Monday in July then next, at and after the rate of two thousand pounds per annum—

To governor.

To the person administring the government of this State for the time being, to defray the incidental charges which may arise in and about administring the government such a sum or sums as he shall from time to time require, not to exceed in the whole the amount of one thousand pounds—

To the person, administring the government of this State for the time being, such sum or sums as he shall from time to time, by warrants under his hand and the privy seal of the State, draw from the treasury for the purpose of paying, subsisting, and defraying the contingent expences, of such of the militia, who have heretofore been in service and remain unpaid, and of such who shall hereafter be in service, and until the legislature shall make further provision; the pay and subsistence rolls, and the accounts of contingencies, audited by the auditor general of this State, to be annexed to each warrant; and the pay and subsistence to be allowed agreeable to the continental establishment at the time when service was or shall be performed.

To the honorable James Duane, Robert R. Livingston, and John Morin Scott, Esquires, delegates from this State in congress, each the sum of two hundred pounds on account, to be transmitted to Philadelphia by the treasurer, as soon as conveniently may be after the passing of this act, at the risque and expence of the State—and that one hundred pounds of the said sum of two hundred pounds, be paid and transmitted to each of the said delegates out of the monies lately taken on loan by this State, any thing in the act—for the payment of the said monies so taken on loan by the State, to the contrary notwithstanding,

Delegates in congress.

### CHAP. 3.

AN ACT to pardon Jonah Wood for the felony therein mentioned.

PASSED the 22nd of September, 1780.

WHEREAS Jonah Wood late of the precinct of Mamacotting in the county of Ulster, farmer, at a court of oyer and terminer and general goal delivery lately held at Kingston in the county aforesaid, was indicted tried and convicted of the murder of Philip Swartwout Junior, at the precinct of Mamacotting aforesaid, and sentenced to be executed accordingly; which execution hath from time to time been suspended *And whereas* for certain special reasons suggested to the legislature, it is deemed proper to pardon the said Jonah Wood: Preamble.

*Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the said Jonah Wood be and he is hereby fully and absolutely discharged and pardoned of and from the felony aforesaid, and the conviction aforesaid and all execution and forfeitures thereon. Pardon granted.

### CHAP. 4.

AN ACT to raise troops for the further defence of the frontiers and for other purposes therein mentioned.

PASSED the 29th of September, 1780.

WHEREAS it is necessary that a number of men should be raised for the further defence of the frontiers Preamble.

*Be it therefore enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same* Governor may direct troops to be raised for defense of frontier  
That it shall be lawful for the person administering the government of this State for the time being, to direct from time to time, such numbers of men properly armed and accoutred to be raised for the defence of the frontiers of this State, from such regiments of militia within this State as he shall deem proper, How to be raised.  
 in like manner and under the same penalties as are prescribed and mentioned in the act, entitled "An act for raising troops for the defence of the frontiers," passed the eleventh of March last. That the classes shall consist of such number of persons, and the classing shall be made in the respective regiments and the levies from the respective regiments shall appear at the places of rendezvous at such time or times as shall be specified and assigned in general orders, to be issued by the person administering the government of this State for the time being, for the purpose: any thing in the said abovementioned act to the contrary notwithstanding. That the troops to be raised by virtue of this act shall be officered and shall be arranged into corps, and shall be subject to the Continental articles of war, and shall and may be tried for desertion and may upon conviction be adjudged to serve in the Continental battalions in like manner as is directed with respect to the several matters in and by the act entitled "An act for raising levies to reinforce the army of the United States," passed the twenty-fourth of June last. That the troops raised in pursuance of this act shall continue in service for forty five days, from the time they shall respectively appear How officered.  
Term of service.



Pay and rations.

Moneys to be advanced from treasury.

Quakers to contribute toward bounty.

When regiments etc., have not been classed, governor may cause same to furnish levies.

Proviso as to forfeiture in case of failure to furnish able bodied men.

Collection of same.

at the respective places of rendezvous. That the said troops shall be allowed Continental pay and rations, and shall be paid and subsisted at the expence of the United States. That monies for the payment of the said troops shall be advanced from the treasury of this State, and they shall be allowed the nominal account of their pay in new bills emitted on the credit of this State or either of the United States, pursuant to the act of congress of the eighteenth of March last; and the pay rolls of the said troops shall be audited by the auditor general of this State accordingly. That the people called Quakers within the respective regiments shall each time when levies shall be raised in pursuance of this act within the regiment, contribute towards the bounty for raising the said troops in like manner as is directed by the said act "for raising levies to reinforce the army of the United States;" provided each freeholder shall pay the sum of twenty shillings in the said new bills or in gold or silver at the rate of eight shillings for a Spanish milled dollar, and each person not being a freeholder shall pay the sum of ten shillings of the said new bills or an equivalent in specie as aforesaid; and provided further that the supervisors shall pay such of the said monies which they shall respectively receive, into the hands of the treasurer of the county to be by him paid into the treasury of the State, there to remain as a fund from which monies may be advanced for the payment of the said troops any thing in the said last mentioned act to the contrary notwithstanding.

*And be it further enacted by the authority aforesaid* That where any regiment company or persons have not been classed in pursuance of the said acts or either of them it shall be lawful for the person administering the government of this State for the time being by special orders to be issued for the purpose to cause such regiments companies or persons to be classed, and to furnish levies in pursuance of this act in such manner as he shall deem proper; To the end that such regiments companies or persons may bear an equal part of the burthen of raising levies in pursuance of the said two acts abovementioned and of this act; and that where in any town manor district or precinct the inhabitants shall not have elected any supervisor or assessors, the commanding officer of the regiment within which such town manor precinct or district shall lie, shall do and perform the duties by the said act first abovementioned required of the supervisor, and shall cause the several classes to be assessed by the assessors of any adjoining town manor district or precinct.

*And whereas* by the said two acts abovementioned it was enacted that if any class should omit or neglect to furnish an able bodied man accountred and provided as in the said acts was directed, such class should forfeit double the amount of the highest bounty which should then have been given by any class in the regiment for a recruit to be raised in pursuance of the said two acts.

*And whereas* several of the said regiments are still deficient of the compliment of men assigned to be furnished by them. For the more effectual recovery of the said forfeitures.

*Be it further enacted by the authority aforesaid* That it shall be lawful for the person administering the government of this State for the time being to require of the colonel or commanding officer of each regiment which has not furnished its compliment of men, agreeable to the tenor of the said acts, that he immediately levy and cause to be collected the forfeitures in and by the said acts directed to be levied and collected, upon and from the delinquent classes in the manner therein directed and to pay the same into the treasurer of this State on or before the fifteenth day of November next.

*And be it further enacted by the authority aforesaid* That if the forfeitures in the said acts directed to be levied and collected, shall not be paid into the treasury on or before the fifteenth day of November next, that the commanding officer of the regiment who shall not then have paid into the treasury the whole amount of the forfeitures accrued in such regiment, and who shall by a court martial be convicted of not having given due notice to the assessors, which were the delinquent class or classes, or of not having in due time delivered the assessment roll to the sergeant to collect the forfeitures as by the said act is directed, shall for every such neglect forfeit double the amount of all such forfeitures as ought through his hands to be delivered to the treasury as aforesaid and every sergeant to whom such assessment roll shall be delivered and who shall neglect or refuse to collect the forfeitures thereby directed, or collecting shall not deliver the same within fourteen days after the receipt of the assessment roll unto the commanding officer and shall be thereof convicted before a court martial shall forfeit a sum equal to the whole amount of the forfeitures to be collected by such delinquent sergeant, to be recovered by the commanding officer of the regiment, and by him to be paid into the treasury in like manner as is directed with respect to the fine of one hundred pounds imposed on assessors in and by the said act first abovementioned.

Commanding officer for every neglect shall on conviction forfeit double the amount.

*And be it further enacted by the authority aforesaid* That if the assessors of any district shall neglect or refuse to assess any delinquent class as by the said first abovementioned act is enjoined on them to do, each assessor so offending shall besides the fine therein inflicted, be fined in the further sum of twenty pounds of the money emitted in pursuance of the act of congress of the eighteenth of March last, to be recovered and paid into the treasury in manner as aforesaid.

Delinquent assessors to be fined.

*And be it further enacted by the authority aforesaid* That if any colonel or other commanding officer of a regiment shall be convicted as aforesaid, the court martial shall then enquire of the amount of the forfeitures accrued in such regiment and shall report the same together with the sentence, to the person administering the government for the time being. That the said person administering the government, having approved of such sentence, shall thereupon issue a warrant under his hand to the sherif of the county requiring him to levy on the goods and chattels lands and tenements of the offender to the amount of double the said sum so reported, and to pay the same when levied into the treasury of this State and upon which the sherif shall be allowed the usual poundage.

Report of conviction, etc., to be made to governor and warrant for collection to issue.

## CHAP. 5.

AN ACT for the relief of certain distressed families, therein mentioned.

PASSED the 30th of September, 1780.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same* That it shall and may be lawful for the commissioners of sequestration for the county of Tryon, and they are hereby required out of any monies which now are or hereafter may come into their hands in the execution of their office to procure and furnish to Mary Tenis,

Commissioners of sequestration to furnish provisions to persons named.

that the accounts of the said several officers above mentioned shall be settled agreeable to the establishment of daily or monthly pay, at the respective periods when the pay accrued.

Ibid. of non-commissioned officers and privates.

*And be it further enacted by the authority aforesaid ;* That it shall be lawful for the said auditors to liquidate and settle the accounts of, and give the requisite certificates to, all non-commission officers and privates, who, upon the last arrangement of the army, have joined, or may join, either of the battalions of this State, in the service of the United States, from other regiments or corps ; notwithstanding the said non-commission officers and privates were not inhabitants of this State, at the time they respectively entered into the corps, in which they respectively served before they joined the said battalions raised under the direction of this State.— That it shall be lawful for the said auditors, in liquidating the accounts of surgeons and surgeons-mates, to liquidate the said accounts, respectively, on the following establishment of pay ; viz. A surgeon, sixty dollars per month ; and all settlements of the accounts of surgeons and surgeons-mates, heretofore made agreeable to the said establishment, are hereby declared legal, any thing in the said act to the contrary notwithstanding.—

Surgeons, etc., pay of.

Proviso as to compensation of reduced officers.

*And whereas* doubts have arisen on the said act, whether officers, heretofore reduced, are entitled to a compensation for the depreciation of the pay for one year which upon such reduction was advanced to the said officers.—

Not lawful to liquidate depreciation, etc.

*Be it therefore further enacted by the authority aforesaid ; and it is hereby declared,* That it shall not be lawful for the said auditors, at any time hereafter, to liquidate the depreciation of the said pay for one year so advanced.

Grant certificates, etc., only to line officers.

*And be it further enacted by the authority aforesaid ;* That it shall not be lawful for the said auditors, until the legislature shall make further provision in the premisses, to liquidate the accounts of, or grant certificates to, any commission officers, other than such as belong to the line of this State, and such officers as are herein before mentioned.

Proviso as to number of certificates.

*And whereas* in and by the said act the said auditors were directed to give to each person one certificate for the ballance due to him

*And whereas* it hath been conceived beneficial for the persons entitled to such certificates that they should be permitted to receive such number of certificates and in such several sums as they shall elect not to exceed in the whole the amount of the ballance due.—

Number limited to ten.

*Be it therefore further enacted by the authority aforesaid,* That it shall be lawful for the said auditors to give to each person such number of certificates not exceeding ten, and for such respective sums not exceeding in the whole the amount of the ballance due as such person shall elect and that all certificates so given or to be given shall be and are hereby declared to be legal any thing in the said act to the contrary notwithstanding.

See also original  
pp. 337, 338.

## CHAP. 23.

AN ACT to raise troops for the immediate defence of the State.

PASSED the 10th of March, 1781.

Troops to be raised for immediate defense of State

*I, Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That troops shall, be raised for the immediate defence of the State, for



the ensuing campaign, be paid, subsisted, officered, arranged into corps, be subject to the continental articles of war, and be provided with arms, accoutrements and a blanket, in like manner and under the same pains and penalties, as is directed and provided in and by the act for raising troops for the defence of the frontiers, passed the eleventh day of March last, and to serve until the first day of January next, unless sooner discharged; and this act shall in like manner be carried into execution by general orders from the person administering the government for the time being, so as each class instead of consisting of thirty five names, shall consist of twenty names, any thing in the said act to the contrary notwithstanding.

II, *And be it further enacted by the authority aforesaid,* That in case all the classes in a regiment should be delinquent, that each class in such regiment shall be subject to pay a sum equal to double the amount of the highest bounty which shall have been given by any class in any adjoining regiment, which shall then have procured a recruit.

Amount to be paid by delinquent class.

III, *And be it further enacted by the authority aforesaid,* That the benefit of a certain clause in the act, for amending the act to complete the quota of the troops of this State to serve in the army of the United States, passed at this present meeting of the legislature, giving to persons who shall advance specie for a recruit a remedy to recover in specie the monies so advanced, shall be extended to persons who shall advance specie for a recruit to be raised in pursuance of this act, and that in every suit for the recovery of monies advanced for a recruit to be raised in pursuance of this act, it shall be lawful for the justice to grant execution forthwith after judgment, any law to the contrary notwithstanding.

Benefit of clause in act named extended.

IV, *And be it further enacted by the authority aforesaid,* That if any person belonging to the levies to be raised in pursuance of this act shall be convicted of desertion, it shall be lawful for the court martial to adjudge such person to serve in either of the Continental battalions raised under the direction of this State, in like manner as is provided by the Act for raising levies to reinforce the army of the United States, passed the twenty-fourth day of June last.

Persons convicted of desertion may be sentenced to serve in Continental battalions.

V *And be it further enacted by the authority aforesaid, and it is hereby provided,* That the people called Quakers shall be liable to be classed in like manner as other male inhabitants, any exemption in favor of the said people in any other law to the contrary notwithstanding.

Quakers to be classed.

VI *And be it further enacted by the authority aforesaid,* That if the assessors shall neglect or refuse to meet, or meeting, shall neglect or refuse to assess they shall respectively instead of the sum of one hundred pounds mentioned in the said act first above mentioned, be subject to pay the sum of twenty five pounds in specie, or in bills of the new emission, any thing in the said act to the contrary notwithstanding.

Assessors, penalty for neglecting to meet, etc.

VII *And be it further enacted by the authority aforesaid,* That in case of such neglect or refusal by a majority of the assessors, it shall be lawful for the commanding officer of the regiment in which such neglect or refusal may happen and he is hereby required together with four other commissioned officers to be by him convened to make the assessment and such assessment subscribed by him and any two of them shall be and hereby is declared to be as legal and valid as if the same had been made by the assessors.

When officers named may make assessment.

*And be it further enacted by the authority aforesaid,* That in addition to the penalty above inflicted on a delinquent class, it shall be lawful for the person administering the government for the time being by general militia orders, in such manner as he shall deem most expedient,

Governor may order able bodied man detached

to serve in levies. to cause an able bodied man (not being of the people called Quakers) to be detached from each delinquent class, and to serve in the levies to be raised in pursuance of this act — That each person being so detached shall after notice thereof left at his usual place of abode, be deemed as belonging to the said levies — That each person so detached as aforesaid, who shall within convenient time thereafter join and serve in the said levies until the expiration of the said term, or until regularly discharged shall be entitled to receive from the treasury of this State the sum of fifteen pounds in bills of the new emission, and exclusive of wages, upon the certificate of the person administering the government for the time being — and the person administering the government for the time being is hereby required whenever it shall appear probable from the report of, or upon return of any officer in the said levies, or otherwise, that any person so detached hath complied with the terms aforesaid, to give such person a certificate thereof, and the treasurer of the State is hereby directed to pay to the person named in such certificate, the said sum of fifteen pounds, out of any monies which may then be in the treasury, not specially appropriated. And that it shall be lawful for any commission-officer appointed in the said levies, to receive a gratuity by way of bounty from one class only, and the class giving such gratuity shall in such case be exempted from furnishing a recruit.

Amount of bounties paid to be returned, etc. IX. *And be it further enacted by the authority aforesaid,* That the commanding officers of the several regiments shall return to the person administering the government, the amount of the several bounties paid by the respective classes, and such returns shall by the person administering the government be delivered to the treasurer of this State to be filed in the treasury to the end that upon a final adjustment of the accounts of the several States this State may have credit for the amount of the said bounties as monies advanced by this State towards defraying the general expences of the war.

Commissioned officers, penalty for neglect of duty. X. *And be it further enacted by the authority aforesaid,* That each commission-officer of the militia who shall neglect or refuse to do or perform any of the duties required of, or enjoined on him, by this act, or by such general orders as aforesaid, shall for each offence forfeit the sum of fifty pounds in specie, or in bills of the new emission, to the people of this State, to be recovered by the treasurer of this State, by suit in his own name, with costs, and in every such suit, it shall be lawful for the plaintiff to declare generally that the defendant did at the time and place, or times and places, expressed in the declaration, neglect and refuse, or neglect or refuse, as the case may be, to perform the duties required of him by general militia orders, issued in pursuance of this act. Provided that the plaintiff shall not be permitted to give evidence upon the trial, of any neglects or refusals, other than such as shall be specified in a notice in writing, to be served upon the defendant or his attorney, at least twenty days before the service of the notice of trial, and it is hereby made the duty of the attorney general upon the order of the person administering the government, to commence and prosecute to effect such suit against every officer charged with such neglect or refusal.

Evidence on trial. Persons named not exempt. *And be it further enacted by the authority aforesaid, and it is hereby provided* That none of the persons who have heretofore procured others to enlist in either of the Continental battalions raised under the direction of this State, shall on account thereof be exempted from being classed and paying their proportion of bounty which may be given by the class to which they may respectively belong.

Provided always that they shall not be liable to be detached unless the time for which they respectively engaged a man to serve as aforesaid shall have expired any thing in the said act passed the twenty first day of March last notwithstanding.

Not to be detached.

## CHAP. 24.

AN ACT more effectually to collect the deficiencies in assessments of wheat and to lay an embargo on the exportation of flour meal and wheat out of this State.

PASSED the 10th of March, 1781.

*Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same* That an embargo shall be and is hereby laid on the exportation of flour meal and wheat out of this State to take effect on the sixth day after the passing of this act and under the same penalties and to be recovered and applied in like manner as is specified in the "Act to prohibit the exportation of flour meal and grain out of this State," passed the thirteenth day of March one thousand seven hundred and seventy eight, as the same is amended by the act, passed for that purpose on the twentieth day of October, one thousand seven hundred and seventy nine. And in order to render the said embargo more effectual.

Embargo laid on exportation of flour, etc.

*Be it enacted by the authority aforesaid* That it shall be lawful for the person administering the government of this State for the time being to issue a general warrant of impress to the agent for this State to impress wheat and flour within this State. That the said agent be instructed, in pursuance of the said warrant, to impress only such wheat or flour as shall be attempted to be exported. That the said agent be farther instructed, in cases of impresses of flour meal or wheat attempted to be exported, before the said embargo shall take effect, to give to the several persons from whom the same shall be impressed, the usual certificates for the amount thereof; and in cases of impresses of flour meal or wheat seized and condemned as being attempted to be exported, without a licence after the said embargo shall take effect, to give to the person making the seizure, the usual certificates, inserting therein that the articles therein mentioned were seized and condemned, for the amount of the moiety of the flour meal or wheat which by virtue of such seizure such person may be entitled to; and that the said agent be further instructed in his account with the State to charge himself with the amount of the other moiety which by virtue of such seizure accrued to this State. That the said warrant and embargo shall not continue in force longer than until there shall have been furnished by or procured within this State for the use of the army of the United States, since the first day of December, one thousand seven hundred and seventy nine, by purchase, assessment or impress to the amount of thirteen thousand nine hundred and sixty nine barrels of flour or an equivalent in wheat, computing five bushels of wheat to one barrel of flour, and that as soon as from the returns of the said agent or otherwise it shall appear probable to the person administering the government of this State for the time being, that this State hath since the first day of December one thousand seven hundred and seventy nine, including occasional supplies to the militia and Indians, furnished the quota of flour assigned to this State by the act of congress of the twenty fifth day of February,

Governor to issue general warrant of impress against wheat and flour attempted to be exported.

How long embargo to continue in force.



*And whereas* the legislature for certain special reasons, hath deemed it proper that the said Richard Everitt should be pardoned:

*Be it therefore enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same* Pardon granted.  
That the said Richard Everitt shall be and he is hereby fully and absolutely discharged acquitted and pardoned of the offence aforesaid and of and from all convictions attainders forfeitures and executions which may be had thereon; and that the said Richard Everitt shall be and he is hereby fully and wholly restored in person and estate to the same state and condition wherein he would have been on the day of the passing of this act if he had not committed the said offence whereof he stands indicted as aforesaid. Provided that if the commissioners of sequestration have demised any lands to the said Richard Everitt, that the lessees of the said commissioners shall hold any such lands against the said Richard Everitt until the expiration of the term for which the said lands were so demised any thing in this act notwithstanding.

See also original p. 394.

## CHAP. 60.

### AN ACT for a further levy of troops for the defence of this State

PASSED the 1st of July, 1781.

*I. Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same* Troops to be raised and brought into the field from the militia upon the plan prescribed in the act named.  
That there shall be immediately raised and brought into the field from and out of the militia of this State so many able bodied and effective men including commissioned and noncommissioned officers and privates as the plan herein after mentioned will produce; to be subject to the command of the commander in chief of the army of these United States, and to be employed by him in such offensive and defensive operations as he shall conceive most conducive to the service of the State. That the said troops to be levied by virtue hereof shall be raised and brought into the field on the plan prescribed in and by the act, entitled "An act to raise troops for the immediate defence of the State" passed the tenth day of March last and the act entitled "An act to raise troops for the defence of the frontiers" passed the eleventh day of March one thousand seven hundred and eighty, which shall be and are hereby declared to extend to and be laws for raising the troops hereby intended to be raised, which troops shall continue in service until the first day of December next unless sooner discharged, except and it is hereby enacted and provided that each class shall consist of twenty men and shall be respectively responsible for their several men until they shall severally be delivered and mustered at the place or places of rendezvous to be appointed in general orders by the person administering the government of this State for the time being and that on failure of a sufficient muster at such place or places either of an able bodied man or of arms and other appointments the class so delinquent shall be subject to a detachment from among them of such an able bodied man properly armed and appointed as aforesaid who shall in such case be detached by the commanding officer of the regiment wherein such class shall be within five days after notice of such delinquency given to him by the person or persons to be appointed by the person administering the government to muster the said levies at such place or places as aforesaid; and except also and it is hereby further enacted and provided that

every colonel or commanding officer of a regiment shall cause such returns as by the said two acts is required, to be made by him forthwith after the passing of this act and every militia commissioned or non-commissioned officer or assessor who shall willfully neglect or delay to do and perform the duties required of him by this act and the said other two acts or either of them, shall in such case incur the forfeitures respectively provided thereby to the use of the people of this State to be sued for and recovered with costs by the attorney general in any court of record within this State by information or indictment and to be paid into the treasury of this State.

Proviso as to necessity for further arrangements for security of frontier.

*And whereas* the exigencies of the present campaign may render it necessary for the person administering the government for the time being from time to time to make further arrangements with the said commander in chief as well for the protection and security of the frontiers of this State as for drawing out and bringing into service over and above the said levies to be raised by virtue hereof, more of the militia of this State including the associated exempts

Further drafts from militia provided for.

*Be it further enacted by the authority aforesaid* That the person administering the government of this State for the time being shall and may draw out into actual service during the present campaign such further parts of the militia of this State as he shall from time to time think proper and is enabled to do by the militia law of this State, brigaded, regimented and officered by such officers as he shall think proper taken at large out of the militia of this State.

Proper credits to be made.

Provided always that notwithstanding any thing herein contained a proper credit allowance and deduction shall be made out of the levies to be raised by virtue hereof for the men which have been raised and are now actually in service in the counties of Orange and Ulster pursuant to general orders of his excellency the governor of the second of May last in favor of the several and respective corps of militia and exempts in the said counties respectively which have furnished the said men.

## CHAP. 61.

### AN ACT relative to the office of State agent.

PASSED the 1st of July, 1731.

Preamble.

WHEREAS by the act for the appointment of the said agent he is authorized to employ assistants and no provision is made for ascertaining the pay or allowances to be made to them

Allowance to assistant agents.

*Be it therefore enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall be lawful for the said agent together with such four other persons as the person administering the government shall approve of, to ascertain and determine from time to time the pay and allowances to be granted to the said assistants respectively, for their respective services and expences heretofore performed or incurred or hereafter to be performed or incurred.

Proviso as to controversy with Daniel Parker.

*Whereas* the said agent entered into a contract in behalf of this State with Daniel Parker of the State of Massachusetts, and a controversy hath arisen between the said agent and the said Daniel Parker relative to the said contract.

the monies and grain proportionally which he shall have collected, for his services in collecting the same.

Return to be made to supervisors.

*And be it further enacted by the authority aforesaid* That the collector or collectors of each town manor and precinct respectively shall within twenty days after receiving the tax lists before mentioned, make return to the supervisor or supervisors of such town manor or precinct, of the money and grain by them respectively collected, notice of the amount and value whereof shall be given in writing by such supervisor or supervisors to the clerk of the supervisors. And that when by such notices it shall appear to the said clerk that the collection of the said tax is completed as far as the same can be collected, he shall and is hereby required to give notice thereof to the supervisors within the said county to assemble at a time and place to be by him for that purpose in the said notice appointed. And the supervisors or a major part of them, being so assembled, shall by writing direct the said clerk to take charge of the monies and grain so collected, and out of the same forthwith to pay and discharge the several sums due from the said county.

Notice to supervisors to meet.

To direct clerk to take money and pay claims. Claims to be paid in grain in lieu of money.

*And be it further enacted by the authority aforesaid,* That all persons having demands against the said county when the same shall have been audited and allowed by the supervisors, shall receive the amount of the accounts due to them respectively in grain at the prices herein before stated, in lieu of money.

## CHAP. 8.

AN ACT for the further defence of the frontiers of this State.

PASSED the 17th of November, 1781.

Preamble. WHEREAS the time for which the levies were raised for the defence of this State, will expire on the thirty first day of December next, and the exposed situation of the frontiers may render it necessary that forces should be raised for their further protection.

Governor may draft men into actual service from militia. *Be it therefore enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the person administering the government for the time being, shall and may draw out into actual service from all or any of the

Draft made on plan prescribed in act named.

districts of the brigades or regiments of the militia of this State, when and as often as he shall deem it necessary for the defence of this State, such and so many able bodied and effective men, not exceeding one thousand five hundred, for any term or time, not exceeding one year from the first day of January next, as he shall deem most conducive to the safety of the State, on the plan prescribed in and by the act entitled "An act to raise troops for the defence of the frontiers," passed the eleventh day of March seventeen hundred and eighty, subject to such alterations as are made in the said plan, in and by an act entitled "An act to raise troops for the immediate defence of the State," passed the tenth day of March last, and subject to such alterations as are herein after mentioned; and which acts shall be and hereby are declared to extend to, and be laws of this State, for raising the troops hereby intended to be raised. That the classes shall consist of so many men as the person administering the government shall deem proper for raising the troops necessary for the defence of the frontiers; and that the person administering the government, if troops shall be drawn out at different periods in pursuance of this law, shall apportion such troops among the

Classes.



different brigades and regiments so that the burden in the rotation of service may as nearly as possible be equally borne among the inhabitants of this State. That the men to be raised in pursuance of this act shall be officered, arranged into corps, and be subject to the Continental articles of war, and trial, and be provided with arms and accoutrements in like manner as was directed in and by the said two last mentioned acts—That classes neglecting or refusing to furnish a man, shall incur a like penalty to be levied and applied in the same manner, and the person or persons of a class furnishing a man shall have a like remedy for recovery against the other persons composing such class, as in and by the said laws are directed—That each class shall be responsible for the man by them respectively enlisted, until they shall severally be delivered and mustered at the place or places of rendezvous to be appointed in general orders by the person administering the government of this State for the time being; and on a failure of a sufficient muster at such place or places, either of an able bodied man, or of arms, or other appointments, the class so delinquent shall be subject to a detachment from among them of such an able bodied man, properly armed and appointed as aforesaid, who shall in such case be detached by the commanding officer of the regiment wherein such class shall be within five days after notice of such delinquency given to him by the person or persons to be appointed by the person administering the government to muster the said levies at such place or places as aforesaid.

How to be officered.

Penalty.

Class responsible till man is mustered, etc.

*And be it further enacted by the authority aforesaid,* That every colonel or commanding officer of a regiment shall cause such returns as by the said two last mentioned acts are required, to be made to him forthwith after the passing of this act; and every commissioned officer or assessor who shall willfully neglect or refuse to do and perform any of the duties required of him by this act, and the said other two acts as hereby extended, shall instead of the penalty mentioned in the said acts forfeit the sum of twenty pounds, to be recovered in the manner prescribed in and by the said acts, in gold or silver only.

Commanding officer to make returns.

*And be it further enacted by the authority aforesaid* That whatever measures may be necessary to carry this law into execution, shall be executed on the general orders to be issued for the purpose by the person administering the government from time to time, and whenever he shall deem it expedient; and that every commissioned officer of the militia of this State, shall make such returns respecting the said levies to such officers in the militia and within such time as the person administering the government shall from time to time direct and appoint. That every commissioned officer of the militia of this State shall make such returns respectively relative to any levies which were directed to be raised by any law of this State passed after the first day of March seventeen hundred and eighty, to such officers of the militia and within such time, as the person administering the government shall from time to time appoint; and that any commissioned officer disobeying such general orders, shall and may be tried by a general court martial, to be convened by order of the person administering the government; and if such commissioned officer shall be convicted of wilful neglect or refusal to execute any of the duties imposed on him by this act, he shall and may be adjudged in like manner as is directed in and by an act entitled "An act for regulating the militia of this State," provided that such trial or conviction shall not exempt such offender from a prosecution for the penalty herein before mentioned, in the manner prescribed in and by the said act entitled "An act to raise troops for the immediate defence of the State."

When necessary to carry act into execution; general orders to be issued; officers to make returns.

Officers named may be tried by court martial for neglect of duty.

Where person procures at his own expense man to serve, sum to be apportioned among class.

*And be it further enacted by the authority aforesaid,* That whenever any person or persons shall procure a man for any class, at his or their own proper expence to serve in such levies, and all the persons composing such class cannot agree to a mode for the apportionment of such sum, the assessors residing within the district or any two or more of them shall and may apportion the sum paid as and for a bounty to such man, and assess the persons composing such class agreeable to their circumstances and abilities—And that the assessment or apportionment so to be made in pursuance of this law, shall upon any suit to be commenced for the recovery of any part of such bounty, be deemed conclusive evidence to entitle the plaintiff to recover the sum assessed against the defendant, and the justice or jury shall give a verdict and judgment accordingly.

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## CHAP. 9.

AN ACT declaring the rates at which French crowns and guineas shall be received in payment of taxes and other public monies due to this State; and making it felony to counterfeit any silver French coins.

PASSED the 20th of November, 1781.

French coins to be received in payment of taxes.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall be lawful for the treasurer of this State, and all other public officers concerned in the receipt of taxes, or other public monies on account of this State, to receive in payment of such taxes or other public monies, the silver coins commonly called French crowns at the rate of nine shillings lawful money of this State for each crown; and the gold coins commonly called French guineas, weighing five pennyweight and four grains, at the rate of thirty six shillings and four pence of like money, for each guinea.

Proviso as to counterfeiting.

*Whereas* the laws of the late colony of New York, which are still in full force, making it felony to counterfeit certain gold and silver coins current in this State, or to pass the same knowing them to be counterfeit, have not made provision for the punishment of counterfeiting or passing silver French coins current in this State.

Felony to counterfeit same.

*Be it therefore further enacted by the authority aforesaid,* That any person or persons who shall hereafter counterfeit any of the French crowns aforesaid, or other silver French coins, or shall pass any such counterfeit crowns or other silver coins, knowing the same to be counterfeit, shall for any such offence, being thereof convicted, suffer the pains of death without the benefit of clergy as in cases of felony.

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## CHAP. 10.

AN ACT for levying a tax within this State.

PASSED the 20th of November, 1781.

Tax levied. County quotas.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That there shall be raised by tax within this State the sum of

To report  
to legisla-  
ture.

VIII. *And be it further enacted by the authority aforesaid*, That the said auditor shall from time to time make report to the legislature of the progress he shall have made, and of any difficulties or impediments which he may meet with, in the execution of the duties prescribed to him in and by this act.

Powers to  
be exer-  
cised by.

IX. *And be it further enacted by the authority aforesaid*, That all the powers and authority vested in the auditor general of this State by virtue of any act for the recovery of debts due to, and the settlement of accounts with this State, or for any other purpose whatsoever, shall and may be exercised by the auditor of this State hereafter to be appointed in pursuance of this act.

Treasurer  
to pay  
accounts  
audited by  
auditor.

X. *And be it further enacted by the authority aforesaid*, That the treasurer of this State shall pay any demands on account due from this State and audited by the auditor to be appointed by this act, in like manner as by law he was heretofore directed to pay such debts, audited by the auditor general of the State.

See also original p. 433.

## CHAP. 22.

AN ACT for raising troops to complete the line of this State in the service of the United States, and the two regiments to be raised on bounties of unappropriated lands and for the further defence of the frontiers of this State.

PASSED the 23d of March, 1782.

Preamble.

WHEREAS by a law of this State passed on the seventeenth day of November one thousand seven hundred and eighty one, entitled "An act for the further defence of the frontiers of this State" the person administering the government of this State for the time being was authorized to direct the raising of fifteen hundred men in the manner in the said law directed to serve to the first day of January in the year of our Lord one thousand seven hundred and eighty three.

*And whereas* there is a deficiency . . . . in the three regiments of this State serving in the army of the United States, and it is necessary to compleat the said regiments to their full establishment

Class en-  
titled to  
gratuity of  
six hun-  
dred acres  
of land for  
furnishing  
abled  
bodied  
man to  
serve  
three  
years.

I. *Be it therefore enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same*, That every class within the limits of every regiment of militia in this State which may by virtue of the before recited law be required to furnish a man to serve to the first day of January one thousand seven hundred and eighty three, and which shall engage such man being able bodied to serve for the term of three years or during the war in any of the said three regiments and shall obtain a certificate of the delivery of such man to any person, authorized to receive the same by the person administering the government of this State for the time being, such class shall be intitled to a gratuity of six hundred acres of land out of the unappropriated lands belonging to this State in like manner as by the seventh section of an act intituled "An act for raising two regiments for the defence of this State on bounties of unappropriated lands," passed March twentieth: seventeen hundred and eighty one, persons were entitled to such lands who should engage an able bodied man to enter into either of the said two regiments. And that every class who shall so deliver an able bodied man to serve for the

Acreage  
for man to



term of two years in either of the said two regiments shall in like manner as aforesaid be entitled to a gratuity of three hundred and fifty acres of land as aforesaid. serve two years.

*And whereas* it may happen that a sufficient number of men may not be obtained in the manner herein before directed to serve in either of the said three regiments for the term of three years or during the war. Proviso if sufficient number is not obtained.

II. *Be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the person administering the government of this State for the time being to detatch out of the remainder of the said fifteen hundred men, not engaged to serve in either of the said two regiments, such and so many men as may be sufficient to compleat the said three regiments to be annexed to and to serve with the said regiments until the first day of January next and no longer. Governor may detach enough men to complete three regiments.

Provided always if a greater number of men than what is requisite to compleat the said three regiments should be so engaged as aforesaid to serve for the term of three years or during the war, it shall and may be lawfull for the person administering the government of this State for the time being, to cause such supernumary men to be embodied and serve in a separte corps or to annex them to the two regiments or either of them in his discretion, and for such time and times as he shall judge proper. Proviso as to supernumary men.

*And whereas* the inhabitants of this State are so greatly distressed for the want of specie, that it is become indispensibly necessary, that further aid should be afforded them to raise such of the said fifteen hundred men as may not enter into any of the regiments aforesaid. Proviso as to want of specie.

III. *Be it therefore enacted by the authority aforesaid,* That every class which shall before the expiration of twenty days next after such class shall be notified and directed to raise a man, deliver the man to be furnished thereby in manner aforesaid shall be entitled to a gratuity of two hundred acres of land out of the unappropriated lands belonging to this State in like manner as classes delivering a man to serve in any of the said regiments are entitled to. Every class delivering man before expiration of twenty days entitled to two hundred acres.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any class or the major part thereof to grant or transfer for the benefit of the whole, the whole right of such class to any lands it may become entitled to by this act, to the person whom the class shall engage to serve in any of the corps aforesaid or to any other person or persons whatsoever, whether of the class or not, and to the heirs and assigns of such person or persons, and such grant or transfer being made in writing and acknowledged or proved by the oaths of one or more of the witnesses to such grant or transfer before any one of the judges of the supreme court, or, before any one of the judges of the inferior court of common pleas shall be a sufficient voucher whereby the person or persons to whom such grant or transfer is made, may locate and be entitled to receive a grant for such lands in manner directed in and by the said "Act for raising two regiments for the defence of this State, on bounties of unappropriated lands passed March twentieth seventeen hundred and eighty one. Class may transfer right to land to person engaged to serve.

*And whereas* several of the persons to whom warrants were issued in pursuance of the act for raising of the said two regiments for the defence of this State on bounties of unappropriated lands have not within the time limited inlisted the requisite number of men in order to entitle themselves to commissions, and have notwithstanding hitherto continued to inlist men for the said regiments, and it hath been suggested that if a farther day was granted for the purpose they would compleat their inlistments. Proviso as to failure to enlist requisite number.

Commis-  
sion and  
bounty to  
enlisting  
such num-  
ber of men  
as gover-  
nor shall  
assign, etc.

IV. *Be it therefore enacted by the authority aforesaid,* That each and every person to whom a warrant hath been or shall hereafter be granted who shall enlist and cause to be mustered into the said regiments on or before the first day of June next such number of men for the said regiments as the person administering the government hath assigned or appointed or shall assign or appoint, such persons shall respectively be entitled to and receive commissions in the said regiments and be entitled to and receive the bounties by the said act to be granted, in like manner as if they had respectively enlisted the requisite number of men within the time by the said act limited: But if such officers so appointed or to be appointed should not raise the men by the time last above limited, that then and in such case it shall and may be lawful for the person administering the government of this State for the time being by and with the advice and consent of the council of appointment to issue his warrant to such of the officers of the levies, as he shall approve to recruit for the said two regiments, or the corps which may be formed out of the same; which officers upon raising the number of men assigned on or before the first day of January next shall be entitled to commissions and the bounty in lands agreeable thereto:

Proviso as  
to time of  
service.

Provided always, that if any of the said levies should be enlisted they shall continue to serve for the term of two years from the said first day of January next.

Bounty of  
five hun-  
dred acres  
to persons  
enlisting.

V. *And be it further enacted by the authority aforesaid,* That every person already enlisted since the first day of August last, or that shall enlist, on or before the first day of June next and who shall continue to serve for the term of two years to be computed from the day on which such person shall be mustered, or who shall be enlisted as aforesaid, after the said first day of June by such officers of the levies as shall be appointed as aforesaid to recruit to serve from the first day of January next and delivered to such person or persons as the person administering the government of this State for the time being hath appointed or shall appoint to muster and receive the men for the said two regiments shall be intitled to the bounty of five hundred acres of unappropriated land in the manner as in and by the said act, passed twentieth of March seventeen hundred and eighty one, persons enlisting before the said first day of August are intitled to. That the person appointed or hereafter to be appointed to muster the said two regiments shall be allowed at and after the rate of twelve shillings per day for every day he shall be actually employed in the said service agreeable to such account thereof as he shall produce audited by the auditor for this State.

Compen-  
sation for  
mustering.

Governor  
may annex  
short term  
men to  
two regi-  
ments.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the person administering the government of this State for the time being at his discretion, to annex all such men the residue of the said fifteen hundred men who shall engage to serve to the first day of January next only, and not by him detached to serve with the said three regiments, to the said two regiments, or to either of them, to serve therewith until the first day of January next and no longer. And in order more effectually to compleat said three regiments with permanent troops.—

Persons  
furnishing  
man to  
serve three  
years en-  
titled to  
six hun-  
dred acres  
and for  
two years  
to five  
hundred.

VII. *Be it further enacted by the authority aforesaid,* That every person who shall engage and deliver as aforesaid an able bodied man to serve for the term of three years or during the war in any of the said three regiments shall be entitled to and receive a gratuity of six hundred acres of unappropriated land in manner as by the seventh section of the said act passed on the twentieth of March seventeen hundred and eighty one, is directed, and that every person who shall so engage and

deliver an able bodied man to serve in either of the said two regiments for the term of two years shall be in like manner entitled to and receive a gratuity of five hundred acres of unappropriated lands. That whenever any persons entitled to lands by virtue of this act shall associate in a sufficient number, to take a whole township of seven miles square, the same shall be laid out in manner directed by the said act passed the twentieth of March seventeen hundred and eighty one, and each persons lott shall contain the quantity of acres such person may be entitled to by virtue of this act.

Provided always that in every such township there shall be laid out one lott containing four hundred acres for the support of the gospel, and two other lotts containing each two hundred acres for the use of schools; and if any number of acres less than the least right shall remain they shall in like manner be appropriated to the use of schools.

Proviso as to gospel and school lots.

*And whereas* many of the inhabitants residing within the limits of several of the regiments of militia within this State have not furnished a man or men nor paid the fine or fines for delinquency in not furnishing such man or men as they were required to furnish or pay by the several acts following towit "An act to raise troops for the defence of the frontiers," passed the eleventh March, seventeen hundred and eighty, "An act for raising levies to reinforce the army of the United States," passed June twenty fourth seventeen hundred and eighty, "An act to compleat the quota of the troops of this State to serve in the army of the United States," passed ninth October seventeen hundred and eighty, "An act to raise troops for the immediate defence of the State," passed March tenth seventeen hundred and eighty one, and "An act for a further levy of troops for the defence of this State," passed July first seventeen hundred and eighty one.

Ibid. as to failure to furnish men or pay fines.

*Be it therefore enacted by the authority aforesaid,* That the field officers of every regiment of militia who have not heretofore classed the inhabitants as in and by the said acts respectively or any of them they were required and directed to do shall and are hereby strictly enjoined and required immediately to proceed to class the regiment of which they are respectively the field officers in the manner in and by the said recited acts respectively directed, except in such regiments counties, towns and districts, herein after excepted, so as that such classing shall be compleated on or before the first day of May next. That the colonel or commanding officer of every regiment of militia within this State (except as before excepted) shall on or before the fifteenth day of May next order and direct the head of each delinquent class within the limits of his regiment whether to be classed by virtue of this clause, or heretofore classed, and which has not furnished the man or men due therefrom, nor paid the fine or fines imposed by the said recited acts respectively, to furnish and deliver to him the man or men so to be furnished on or before the first day of June next to serve for the term of five months, or to pay for each man so deficient to the said colonel or commanding officer the sum of fifteen pounds in specie, if such class was delinquent from a non compliance with the said acts of the twenty fourth of June seventeen hundred and eighty, or first July seventeen hundred and eighty one; and for ever such non compliance with the said acts of the eleventh March seventeen hundred and eighty, or tenth of March, seventeen hundred and eighty one, to deliver such man or men to serve for the term of nine months, or to pay for each man so deficient the sum of twenty pounds in specie: and for every such non compliance with the said act of the ninth of October seventeen hundred and eighty, to deliver such man to serve for and during the present war

Field officers to class regiments in manner required by act named.

Commanding officer direct head of delinquent class to furnish man or pay sum named.



with Great Britain, or to pay for such men so deficient the sum of thirty pounds in specie,

**Proviso as to removals.** Provided always, that where any part of such class hath removed out of the limits of the regiment, the class shall be excused from the payment of so much of the said several sums, as the head of the class shall on oath declare was or would be the amount to be paid by such person or persons so removed.

**Proviso exempting class having paid amount named.** And provided also that if any class shall on or before the twenty first day of February one thousand seven hundred and eighty one, have *bona fide* paid into the hands of the collector or other person legally authorized to receive the same the fine of thirty pounds in new emission as by the said act of the ninth of October seventeen hundred and eighty they were required to do in default of furnishing a man, such class shall be exempt from furnishing the man required by the said last mentioned act and from paying the said fine of thirty pounds in specie imposed by this clause, any thing in the said act, or in this or in any other act to the contrary notwithstanding.

**Ibid.** And provided also that if any class shall at any time since the passing of the act entitled "An act to amend an act entitled an act to compleat the quota of the troops of this State to serve in the army of the United States during the war," passed the twenty first February seventeen hundred and eighty one, have *bona fide* paid into the hands of the collector or other person legally authorized to receive the same, the fine of eighty pounds in new emission as by the said last recited act they were required to do in default of furnishing a man, such class shall in like manner be exempt from the said fine of thirty pounds in specie—That the collector or other person to whom such fines as last aforesaid shall have been paid, shall on or before the first day of June next pay the same to the colonel or commanding officer of the regiment, unless he shall produce a receipt that he has paid the same into the treasury of the county, or the treasury of the State. That it shall and may be lawful for the head of every delinquent class to raise, levy and collect from every individual of his class, actually resident within the limits of the regiment to which such class shall belong, the share and proportion of such individual of the sum or sums so to be raised by virtue of this clause in like manner as a person furnishing a man might have done by either of the said recited acts—That if any of the said delinquent classes shall not have furnished the man or men in which such class is deficient or shall not have paid the fine or fines imposed and made payable by this clause on or before the fifteenth day of June next, it shall be lawful for the colonel or commanding officer of the regiment, and he is hereby strictly enjoined and required, to levy such fine or fines so due from each delinquent class, together with usual costs, by distress and sale of the goods and chattles of the head of such delinquent class, and by warrant under his hand, directed to any sergeant of the regiment, any thing in any of the said acts or any other act to the contrary notwithstanding, and the commanding officer of every regiment of militia within this State shall on or before the fifteenth day of May next, make return on oath to the treasurer of the county, of every delinquent class within the limits of his regiment, of which return the treasurer shall transmit a certified copy to the commander in chief of the militia. That the field officers of every regiment which hath heretofore been classed shall if the head of any class hath since removed, or hath been otherwise rendered incapable, appoint another of the said class who shall be subject to all the duties enjoined by this clause on heads of classes, and be liable to the same penalties, and have the same powers as if he had been heretofore appointed the

**Collector to pay fine over to commanding officer unless already paid to county treasurer. Head of class may collect from each member share of sum raised. On failure to furnish man or pay fine, commanding officer to collect fine with costs.**

**Head of class, new appointment in case of removal, etc.**

head of a class. That all monies arising by virtue of the said acts, or either of them, or by virtue of this clause, which may come into the hands of the commanding officers of regiments respectively, shall be by him or them paid unto the treasury of the county whereof he is resident, on or before the first day of July next, and by the said treasurers respectively unto the treasurer of the State, on or before the twentieth day of July next. That the individuals of every delinquent class may in lieu of money pay to the head of the class in discharge of their respective proportions, wheat at the rate of five shillings and six pence per bushel, or rye or Indian corn at the rate of three shillings and six pence per bushel; and the head of each class may in like manner pay unto the commanding officer of the regiment in lieu of money, wheat at six shillings per bushel, and rye and Indian corn at four shillings per bushel. That all grain which may be received by any commanding officer of a regiment, by virtue of this clause, may by him be disposed of for cash only, and the monies arising therefrom be paid as aforesaid. That every commissioned officer of the militia who shall neglect or refuse to perform any of the duties enjoined by this clause, being thereof convicted before a court-martial, shall be cashiered, and fined the sum of one hundred pounds, to be recovered in any court of record in the name of the treasurer of the county; one half of which said sum shall be paid to the treasurer of the county for his own use, and the other half to be applied to the use of the county. That it shall and may be lawful for the person administering the government for the time being, to direct the disposition of any men which may be raised by virtue of this clause, and to annex them to any corps in the service of or belonging to this State, for the times for which they shall be respectively engaged to serve.

Moneys to be paid into county treasury.

Payments by individuals may be made in wheat.

Officers neglecting duty, on conviction to be cashiered.

Governor may direct disposition of men.

*And whereas* several of the inhabitants of this State residing in parts exposed to incursions from the enemy, have been subject to more militia duty than those residing in the more interior parts of the State, and have therefore an equitable claim to indulgence.

Proviso as to militia duty.

*Be it therefore further enacted by the authority aforesaid,* That the inhabitants residing within the limits of the regiment commanded by Colonel A. Hawke Hay, in the county of Orange, shall be and they are hereby exempted from raising the men or paying the fines directed to be raised or paid in the next preceding clause of this act so far as it respects the men to be raised by the said act of the tenth of March, one thousand seven hundred and eighty one, that such of the inhabitants within the limits of the regiment commanded by Colonel William Allison in the county of Orange who reside west of the Wall Kill, shall in like manner be exempted, as far as respects the men to be raised by the said act of the ninth of October one thousand seven hundred and eighty, that the inhabitants of the precinct of Mamakating and of such parts of the township of Rochester in the county of Ulster as have had their houses and other buildings burnt by the enemy before the month of September last. Shall in like manner be exempted as far as respects the raising of men by the said act of the tenth of March one thousand seven hundred and eighty one. That the inhabitants in the counties of Westchester Tryon and Charlotte, the united districts of Duaneburgh and Schoharie, the districts of Balls Town, Saratoga, Cambridge, Holic, Schachtakoke and in that part of the district of Schenectady which lies on the north side of the Mohawk river shall be and hereby are exempted in manner aforesaid as to all and every man to be raised or fine imposed by virtue of all or any of the said acts recited in the said preceding clause, any thing in this or any other act to the contrary notwithstanding.

Inhabitants named exempted from raising men or paying fines.

## CHAP. 26.

### AN ACT for the relief of John L. Hardenbergh.

PASSED the 30th of March, 1782.

**Preamble.** WHEREAS the certificates given by the auditors appointed to liquidate and settle the accounts of the troops of this State in the service of the United States to the said John L. Hardenbergh for the depreciation of his pay while in the said service, are alledged to be lost or destroyed

**Auditors to grant other certificates to John L. Hardenbergh.** *Be it therefore enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawfull for the said auditors or any two of them, to grant to the said John L. Hardenbergh other certificates for the depreciation of his pay while he served in the regiments of this State in the service of the United States, amounting to the value of the certificates formerly given to him at the time they were made,

**Bond to be given.** and bearing interest on that amount; on the said John L. Hardenbergh with two sufficient freeholders as his sureties having first sealed and delivered in the presence of three witnesses, of which at least one of the said auditors to be one, a joint and several bond to the treasurer of the

**Condition.** State in treble the amount of the said certificate, with condition, that the said John L. Hardenbergh his heirs executors or administrators shall and will save harmless and keep indemnified the people of the State of New York from any costs charge claim payment or demand, or the location of any lands tenements or real estate, for by reason or on account of the said certificates which are alledged to be lost or destroyed.

**Entry to be made on margin remaining in book.** *And be it further enacted by the authority aforesaid* That the said auditors who may subscribe the certificates to be given to the said John L. Hardenbergh in pursuance of this act, shall before they deliver the said certificates last mentioned to the said John L. Hardenbergh, or to any other person for his use, make such memorandum as they shall think proper on the margin remaining in the book from whence the certificates alledged to be lost were indented and taken out, and also on the margin from whence the certificates to be given in pursuance of this act shall be taken out, purporting that the last mentioned certificates are given in lieu of those alledged to be lost or destroyed; and shall also indorse on each certificate to be given in pursuance of this act, a memorandum, that the same is or are given in lieu of those alledged to be lost or destroyed, specifying in such memorandum the number and amount in value of the certificates alledged to be lost or destroyed.

See also original p. 441

## CHAP. 27.

### AN ACT to regulate the militia.

PASSED the 4th of April, 1782.

**Preamble.** WHEREAS it is necessary to put the militia on such an establishment as will most effectually encourage a martial spirit among the people, provide for the internal and external security of the State and enable it most vigorously to co-operate with the other United States in a cause no less noble and exalted than the defence of the common rights and liberties of America against hostile tyranny and oppression.



I. *Be it therefore enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same* That every able bodied male person (Indians and slaves excepted) residing within this State from sixteen years of age to fifty (except such persons as are hereinafter excepted) shall immediately after the passing of this act, unless he shall have been heretofore enrolled by the captain or in his absence the next commanding officer of the beat wherein he shall reside, be enrolled in the company of such beat. That every captain or commanding officer of a company shall also enroll every person who shall from time to time arrive at the age of sixteen years or come to reside or sojourn within his beat and without delay notify such enrollment to each person so enrolled by some inferior officer of the company who on oath shall be a competent witness to prove such notice. That if any dispute shall arise with respect to the age or ability to bear arms of any person, it shall be determined by the colonel or commanding officer of the regiment whose determination in the case shall be final. That every person so enrolled and notified shall within twenty days thereafter furnish and provide himself at his own expence with a good musket or firelock fit for service, a sufficient bayonet (unless he shall be provided with a good rifle) with a good belt or pouch or cartouch box containing not less than sixteen catridges suited to the bore of the musket or firelock, each cartridge containing a proper quantity of powder and ball or in lieu of such pouch cartouch box or cartridges, with a quantity of powder and ball respectively disposed of in a powder horn and shot bag, and wadding sufficient for the same and two spare flints, a blanket and knapsack; and shall appear so armed, accoutred and provided, when called out to exercise, or duty, as herein after directed; except that when called out to exercise only, he may appear without blanket or knapsack; and if any such person shall appear to the captain or commanding officer of the company to be too indigent to arm, accouter and provide himself in manner aforesaid, he shall be furnished with arms and accoutrements out of the monies to arise from such fines as shall from time to time accrue in the regiment to which he shall belong, and in case of deficiency thereof, out of the public magazines or stores of this State, by order of the person so administering the government of this State for the time being.

Persons to be enrolled

Commanding officer to determine disputes.

Person enrolled to provide himself with equipments etc., and appear with same when called out.

II. That the commander in chief for the time being shall by general orders arrange the militia of this State into brigades, regiments, and companies, and by and with the advice and consent of the council of appointment, appoint such and so many brigadiers general and other officers as he shall think most conducive to the public service; copies of such general orders to be filed in the office of the clerk of the county where the regiment, or company shall be.

Commander in chief to arrange militia into brigades, etc.

III. That each brigadier general shall have one brigade major of his own choice, to rank as major in the militia and receive pay on the certificate of his brigadier for the time he shall be in service.

Brigade major.

IV. That in case of the death, resignation or other inability to serve of any colonel now commanding a regiment, no colonel shall thereafter be appointed thereto, but that such regiment and all others not now commanded by a colonel shall henceforth be commanded by a lieutenant colonel.—That each regiment shall have one major (unless in cases where it shall be thought necessary to appoint two majors — That each company shall be officered with one captain, one first lieutenant, one second lieutenant and one ensign, as commissioned officers (That in case of the death, resignation or other inability to serve of any second lieutenant it shall be in the discretion of the governor by and with the

Commandants of regiments.

Company officers.

Regimental staff. advice and consent of the council of appointment to appoint another or not) and by four serjeants, four corporals one drummer and one fifer — And the staff of each regiment shall be, one adjutant and one quarter master who shall respectively rank as first lieutenants, and the serjeants, corporals, drummers and fifers, shall be appointed from time to time by the captains or other commanding officers of the several companies; and if any non commissioned officer so to be appointed shall refuse to accept the office to which he shall be appointed he shall forfeit the sum of forty shillings, to be adjudged levied and disposed of, in manner as is herein after directed with respect to fines for neglecting or refusing to appear to train and exercise as is herein after mentioned.

Colors, drum and fife.

V. That each regiment shall be provided with a standard of colours at the expence of the field officers, and each company with a drum and fife at the expence of the commissioned officers thereof —

Troops of horse and grenadiers.

VI. That there may be a troop of horse in each brigade and two troops of horse in the county of Westchester and a company of grenadiers in each regiment of foot which may conveniently furnish the same —

Of whom to be composed.

That the said troops of horse and companies of grenadiers shall respectively, be formed and composed of volunteers in the respective brigades and regiments residing at such convenient distances from each other that they may with ease and dispatch be called out for training, discipline or other service. Provided that no troop of horse shall be established without the consent of the brigadier or commanding officer of the brigade; and that no grenadier company shall be established in any regiment without the consent of all the field officers; and that no troop of horse or grenadier company shall exceed fifty men officers included; and that no person shall hereafter inlist in any troop of horse or grenadier company without the consent of the commanding officer of the regiment in which he shall reside. —

Proviso as to consent of brigadier, etc.

Enlistments to be certified.

VII. That on every such inlistment of a volunteer the captain of a troop of horse or company of grenadiers do immediately certify to the captain of the beat from which such volunteer shall inlist, the inlistment of the said volunteer. —

Equipment of troopers and grenadiers.

VIII. That each trooper shall be equipped and provided with a good serviceable horse at least fourteen hands high, a good saddle, housing, holsters, breast plate and crupper, a case of good pistols, a good horsemans sword, a pair of boots and spurs, and a carbine well fixed with a good belt, swivel and bucket, and a cartridge box to contain twelve cartridges at least; and that each grenadier shall be equiped and provided with a grenadier's cap, a good musket and bayonet, a broad sword, a belt and pouch or cartridge box, and so equipped and provided the troopers and grenadiers shall respectively be called out under the direction of their respective officers as is hereby required with respect to the rest of the militia.

To be called out.

Regimental parades.

IX. That each colonel or commanding officer of a regiment shall in the months of May and October in every year, call out his regiment to his regimental parade, (which shall be the place in the district of the regiment the most convenient for that purpose,) and having paraded the same, shall require from the captain or commanding officer of every beat in the regiment a return thereof, expressing the exempts and the absentees, and the causes of the respective exemptions and absences; cause the said regiment, except the exempts then paraded, to be called by the company rolls; and the arms, ammunition and accoutrements of each man to be examined, and the defaulters to be noted, and shall cause them to be sufficiently exercised, trained and disciplined; and shall within two weeks there after make or cause to be made a true regimental

return (excepting therein by name the exempts or absentees) to the brigadier general or commanding officer of the brigade — That the captain or commanding officer of each company shall and may call out his company to such place within his beat as shall be most convenient for that purpose at least four times in every year, and shall cause them when so called out to be well and sufficiently exercised, trained and disciplined.

Company  
parades.

X. That every commissioned officer of the militia in this State who shall omit or neglect to perform any of the duties by this act enjoined on him, of enrolling training or disciplining in and to the use of arms the militia of this State, or of making perfect returns of the militia, or of not calling out to actual service the militia or any part thereof when necessary, and shall, if under the rank of a brigadier be thereof convicted by a brigade court martial from the brigade to which he shall belong, consisting of at least thirteen members (which court martial the brigadier is hereby authorized and required to appoint and direct to sit) and the sentence thereon be confirmed by the brigadier general or the officer commanding the said brigade with the right of appeal to the commander in chief to whom the proceedings shall be immediately reported. Be *ipso facto* removed from his office and reduced to do duty in the ranks as a foot soldier; any exemption from duty to the contrary in any wise notwithstanding. And all brigadiers general, for offences, not particularly provided for in this act, shall be tried by a general court martial to be appointed by the commander in chief; and if on conviction the sentence thereof be confirmed by the commander in chief, that there upon such brigadier general shall be removed from his office.—That all sentences of courts-martial so confirmed shall be by the commander in chief from time to time, laid before the council of appointment, to the end, that the person administering the government of this State for the time being by and with their advice and consent may appoint others instead of the officers so found guilty.

Officers  
neglecting  
to perform  
duty to be  
tried by  
court  
martial,  
etc.

Sentence  
to be laid  
before  
council of  
appoint-  
ment.

XI. That every commissioned officer of the militia of this State, who shall be cashiered, or who shall resign his commission, not being superseded in rank in the company to which he belongs, or being a major, or captain, not being superseded in the regiment to which he belongs, or commanding a regiment not being superseded in the brigade to which he belongs or unless his resignation shall be accepted by the governor by and with the consent of the council of appointment, shall be obliged to do the duty of, and in every respect, be put on a footing with a private soldier, any thing contained in this act, to the contrary thereof notwithstanding.

Officers  
cashiered,  
etc., to do  
duty as  
private  
soldiers.

XII. That every non commissioned officer or private of the said militia who shall neglect to appear when called out to train or parade as herein before mentioned, without sufficient excuse, shall for every such offence forfeit the sum of ten shillings; and if he shall appear wanting any of his arms, ammunition, or, accoutrements prescribed for him by this act, without sufficient excuse, he shall for every deficiency forfeit the sum of two shillings—and if any non commissioned officer or private in any troop of horse, or company of grenadiers, shall be charged with either of the said offences and shall not have sufficient excuse, he shall forfeit for the offence of not appearing the sum of twenty shillings—and for every other of the said offences the sum of four shillings.—

Non-com-  
missioned  
officers,  
and pri-  
vates to  
forfeit  
sum  
named in  
case of  
neglect,  
etc.

XIII. That all fines to arise from offences in a company only when called out to train or parade shall be adjudged of, and inflicted by the commissioned officers of such company, or the major part thereof, and shall be levied with costs, by warrant under the hand and seal of the

Fines, how  
inflicted  
and levied.



Fines, how  
to be ad-  
judged of  
and col-  
lected.

captain or commanding officer, directed to one or more of the serjeants of the company, by distress and sale of the goods and chattles of the offender and paid by the serjeant or serjeants to the said commanding officer of the company; and that all fines to arise from the like offences, upon the calling out of the regiment, shall be adjudged of and inflicted by the field officers of the regiment, or the major part of them, and shall be levied with costs, by warrant under the hand and seal of the commanding officer of the regiment, directed to one or more of the serjeants of the said regiment, by distress and sale of the goods and chattels of the offenders respectively, and by him or them paid to the said commanding officer; all which fines shall by the commanding officer of the regiment, or of the companies, be paid over to the quarter master of the said regiment, to be by him laid out under the direction of the field officers of the regiment, or the major part thereof, for arming, accoutring and furnishing with ammunition, the privates thereof, in manner aforesaid; and where, in any case, no goods or chattels shall be found, then on such warrants to be issued in either of the cases above mentioned, the serjeant or serjeants shall take the body of the offender and him convey to the common gaol of the county; and if there shall not be a common gaol in the county then to the common gaol in an adjoining county there to be kept in safe and close custody, until he pay the fine with costs, and the gaoler of such gaol is hereby required and commanded to receive such offender with the warrant and him safely keep until he shall have paid his said fine and costs, or shall be discharged by the commanding officer of the regiment to which he doth belong, which gaoler shall after receiving the said fine and costs, on demand by such serjeant or serjeants pay the same to him or them; and thereupon such fine shall be disposed of in manner herein before directed for the disposal of fines.

Official  
rank.

XIV. That all officers in the militia shall take rank according to the dates of their commissions, provided that where any officer now holds the same office in the militia which he held under the late government before the revolution, or under the convention before the present government, and since hath received a new commission for the same office, such officer shall take rank from the date of his former, and not from the date of his last commission, any thing herein contained to the contrary notwithstanding.

Returns to  
be made to  
the com-  
mander in  
chief.

XV. That from all returns to be made by the commanding officers of regiments respectively to the respective brigadiers general, or commanding officers of the brigade; brigade returns shall without delay be made to the commander in chief, that the commanding officers of regiments not formed into brigades shall without delay make returns to the commander in chief.

Brigades,  
etc., how  
to rank and  
be posted  
in line.

XVI. That one brigade, regiment, or, company of foot (except grenadiers who shall form on the right of the regiment) shall not be considered as older or having rank or preference of the other; but each brigade, regiment or company shall be posted and disposed of in the line, on command as the commanding officer on the spot, shall on every occasion or emergency think proper. —

Militia to  
be drawn  
out in cases  
of emer-  
gency.

XVII. That on every emergency of a sudden actual or threatened invasion by the enemy, or any insurrection, the commanding officer of any brigade, regiment or company, as the case may require, shall immediately draw out the militia under his command, and with them march to any place, whether within or without the State, to oppose the enemy, or to quell insurrections within the State; and that all brigades, regiments, troops and companies, shall from time to time be subject to gene-

ral, brigade, regimental and company orders, as is usual according to the course and practice of war, for suddenly taking the field for the purpose aforesaid — And all such orders by any officer under the rank of commander in chief, shall be reported in writing by express to the commanding officer of the regiment, if given by one under his command, and if given by the commanding officer of the regiment shall be reported to the brigadier general; and if given by the brigadier general, to the commander in chief; all which reports shall be acted upon by the respective persons to whom the same shall respectively be made, as the emergency may require, and by such persons respectively, be reported with their respective proceedings thereon to their next superior officer; and so on in succession till they reach the commander in chief.

Orders to be reported by express to commanding officer.

XVIII. That every person in the militia whether officer or private, when called out into actual service, either to act separately or in conjunction with the troops of the United States of America, shall from the time of his marching out into the said service until he be properly discharged therefrom, be allowed pay and rations according to the Continental establishment; and having marched out in such service, and before his proper discharge or dismissal shall commit any offence or shall before such discharge or dismissal desert from the corps to which he shall belong, or from his post, shall for every such offence be subject to the rules and articles of war, established by the congress of the United States of America, for the better government of the troops in the service of the said United States, which shall be put in execution against the offender by the militia orders and authority, in like manner as the same are put in execution in the army of the said United States against offenders therein, by proper orders and authority thereof; and that in all such cases the governor or commander in chief for the time being, and all militia officers, subordinate to him, shall and may enjoy and exercise all the powers by the said rules and articles of war given to the commander in chief of the army of the United States, and the several officers subordinate to him in the said army — And that upon notice left at the usual place of abode of any offender containing the charge against him and the time and place when and where the court martial will be held for his trial, and due proof made to such court of the service of such notice, it shall be lawful for such court to proceed to the trial of such offender, in like manner as if he had appeared and plead not guilty to the charge.—

Pay and rations.

Deserters subject to rules and articles of war.

Upon notice left at residence and proof of service court may try offender.

XIX. That in every case where a fine shall be imposed by a court martial in consequence of the last preceeding clause, it shall and may be lawful for such court martial to direct the offender. (in case of the non payment of such fine) to serve in and do duty with any one of the regiments of the army of the United States of America raised by the direction and under the authority of this State, as a private soldier thereof, for and during such time as the court martial shall adjudge not exceeding six months.—

In case of non-payment of fines offenders may be directed to serve as privates

XX. That the commander in chief for the time being shall have power and authority from time to time in his discretion, to order out the whole, or any part of the associated exempts and enrolled militia of this State into actual service, not only for the defence of this State, but to give assistance to any other of the United States, or to reinforce the army of the United States or any part thereof, and to cause each of them to march out of this State for either of the said purposes and that the associated exempts shall be called out in rotation so as to do their equal proportion of duty with the enrolled militia, as nearly as

Commander in chief may order out militia, etc.

may be in the discretion of the commander in chief or brigadier general within whose command the associated exempts do reside;

Term of  
service,  
etc.

Provided always, that none of the enrolled militia of this State or associated exempts, shall be compelled to do duty out of the same for a greater space of time than forty days at any one time. And provided also that not more than one third part of the militia and associated exempts of this State shall on any occasion or emergency be required or ordered to march out of this State, any thing herein contained to the contrary hereof in any wise notwithstanding.—

Militia  
may be  
called out  
to aid sher-  
iff in exe-  
cuting pro-  
cess.

XXI. That whenever any sherif his deputy or any other ministerial officer in any of the counties of this State shall receive any legal process commanding him or them to apprehend any person or persons therein charged with any crime or offence against the laws of this State, and such sherif his deputy or other ministerial officer shall have been forcibly resisted or shall have good grounds to suspect that by force and arms he will be obstructed or resisted in the execution of such process by the said offender or offenders, and his or their aiders and abettors, such sherif his deputy or other ministerial officer shall represent the circumstances of such resistance or the reason of such his apprehension to the brigadier general or other commanding officer of the militia of the county in which such process is to be served; and if it shall appear to the said brigadier or other commanding officer that there are just grounds for such suspicion, that then and in every such case it shall be lawful for the said brigadier general or other commanding officer to order out such detachment of militia as to him shall appear necessary to aid the said sherif, his deputy or other ministerial officer to execute such process and which said detachment shall act under the directions and orders of such sherif, his deputy or other ministerial officer. That such brigadier or other commanding officer shall from time to time report to the commander in chief such application and orders he shall issue in consequence thereof.

Military  
courts.

XXII. That for the several purposes aforesaid general, brigade and regimental courts martial, and courts of inquiry shall from time to time as cases may require, be instituted and formed, and general, brigade and regimental orders from time to time given, upon the plan directed by the aforesaid rules and articles of war, and by the officers in rank respectively in the militia equal with those respectively authorized for the purpose by the said articles of war; in respect whereof the governor or commander in chief and all militia officers respectively shall be considered as on the same footing as the general and commander in chief of, and as the officers in their respective ranks belonging to, the army of the said United States.—

Punish-  
ment.

Provided always that no commissioned military officer, except when questioned upon the aforesaid rules and articles of war, shall be sentenced or adjudged to any other punishment than to be cashiered and rendered incapable of any military office whatsoever within this State.

Fine in  
commuta-  
tion of cor-  
poral pun-  
ishment.

And provided also that it shall and may be lawful for a court martial whenever they shall conceive it proper to fix and determine a fine for which any person adjudged to receive corporal punishment may commute such punishment; and if the same fine shall be paid within the time by the court martial for that purpose limited—the said person shall be accordingly acquitted of such corporal punishment. That all such fines shall be paid into the hands of the president of the said court martial, and shall by him be paid into the hands of the quarter master of the regiment to which the offenders do belong, for the purpose of providing a sufficient quantity of arms and ammunition for the use of the said



regiment agreeable to the directions in the fourteenth clause of this act; and that the overplus be paid by the said quarter master into the treasury of this State.

XXIII. That a roll of the privates of each company shall be made and divided by the commanding officer of the company into eight classes as nearly equal in number to each other as conveniently may be, and a serjeant or corporal shall be allotted on the roll by the commanding officer to each class, which said eight classes in each company shall on detachments, or drafts in pursuance of this act, perform their tour of duty in numerical order; and to ascertain which class shall take the first and which the second tour of duty on detachment, and so on to the eighth class, eight slips of paper numbered respectively from one to eight inclusively shall be so rolled up, or otherwise closed, as to conceal the number, and being put into a hatt and well shook together in the same, the serjeant or corporal of each class shall, in the order to be directed by the commanding officer in behalf of his class, take out one of the ballots, and the number drawn by the serjeants and corporals respectively, shall determine the respective tours of duty of the several classes—The class which draws number one, to have the first tour of duty, and so determining their respective tours of duty in a numerical order throughout all the eight classes, and in the same numerical order shall the eight classes continue their rotation without any new balloting, until the numbers respectively contained in each class shall by the events of war, other accidents become very unequal, when there shall be a new balloting as above directed. That where a company increases by the accession of men from any other parts, or by persons residing within the beat and arriving to the age of sixteen years, the commanding officer of the company shall therewith compleat any classes which may have become deficient; and if a residue remains shall distribute such residue as equally amongst the classes as circumstances will permit—

Privates to be divided into classes, etc.

Tours of duty.

XXIV. That when and as often as the classes shall be thus fixed, each commanding officer of each company shall form a roll consisting of the eight classes, and containing the names of the men in each class with the names of the serjeant and corporal respectively prefixed to each class, and numbered according to the order of balloting, which he shall keep for his own use guidance and direction, and shall notify each serjeant, corporal and private, to what class he shall belong; and shall return a copy thereof with the list of his commissioned officers prefixed thereto, without delay, to the colonel or commanding officer of the regiment who shall enter all such and every other company return, in a book to be kept by him for the purpose.—

Roll of classes, etc.

XXV. That the commanding officer of each regiment shall on receipt of all the classed returns of the companies in the regiment, convene together all the commissioned officers in the regiment, and proceed in like manner, to fix by ballot, the respective tours of duty, of all commissioned officers under the rank and degree of a field officer, from and including number one, to and including such number as shall be equal to the number of companies in the regiment, which balloting shall be made sepe-  
rately and severally in the four several lines of office, and be entered by the commanding officer in his said book; as also the quota of each detachment, both as to officers and privates, in order thereby, from time to time to ascertain the rotation of the service of both, which shall ever be determined by such quotas respectively.

Tours of duty of commissioned officers.

XXVI. That if there be two majors belonging to a regiment, they shall decide by lot, which of them shall take the first tour of duty, and the order or tour of duty thereby established shall ever after govern.

Majors to decide same by lot.

Rotation of  
duty on de-  
tachments  
among  
field offi-  
cers.

XXVII. That to establish the rotation of duty on detachments among the several field officers in the regiments composing a brigade, the colonels, lieutenant colonels and majors, shall without delay meet together and decide the same by several and separate lots in numerical order as aforesaid. in the several lines of office, which being done, a roll thereof shall be made and subscribed by them all, and returned to the brigadier general of the brigade — The colonels, lieutenant colonels and majors of the regiments not brigaded shall meet and decide the rotation of duty on detachments, the same as the colonels, lieutenant colonels and majors of the brigades are by this act directed.

Brigadier  
general.

XXVIII. That to a brigadier generals command of detachments, the commander in chief shall appoint such brigadier general as shall in his judgment appear most proper for the advancement of the service.

Substitute  
may be em-  
ployed.

XXIX. That every private shall be allowed to substitute on detachments an able bodied private in his stead who shall nevertheless take his own tour of duty in the order wherein it shall have been fixed as aforesaid—That in case of sickness or by unavoidable accident any officer or private shall be prevented from taking his tour of duty on any detachment, the next to him on the respective rolls of detachments without regard to classes with respect to privates, shall fill his place, and the person so prevented shall in return take the proper next tour of duty on detachment of him so filling his place ; and all classing as aforesaid shall go on in rotation, in the several numerical orders above mentioned, as long and as often as the public service shall require the same.

Tours of  
duty in  
case of ill-  
ness, etc.

Discre-  
tionary  
power to  
order out  
troops.

Provided always, that the commander in chief shall and may from time to time in his discretion order out on detachment as great a part or the whole of any brigade, regiment, troop of horse or associated exempts as he may think proper or the whole militia into actual service: And also that the like discretionary power may on sudden emergencies and without waiting the order of his superior officer be exercised by the commanding officer of any brigade, regiment, troop of horse or company respectively, over each brigade, regiment, troop of horse, or company, giving notice thereof in writing without delay, together with all things relating thereto, as well to his commanding officer as to the commander in chief for the time being.—

Governor  
on requisition  
of  
commander  
in  
chief of U.  
S. army,  
may de-  
tach troops  
for offens-  
ive opera-  
tions.

XXX. That if the commander in chief of the army of the United States should in the prosecution of the war be under the necessity of calling on this State for an aid of militia for offensive operations within this State, it shall and may be lawful for his excellency the governor or the person administering the government of this State for the time being on every such requisition to detach from the regiments of militia of this State or from such of them as he shall judge proper such and so many officers noncommissioned officers and privates as he shall from time to time deem consistent with the interest and safety of the State, to continue in service for such time as he shall judge proper not exceeding the term of three months from the time they shall arrive at the place of actual service and the same to relieve as occasion may require.

Exempts  
from ser-  
vice in en-  
rolled  
militia.

XXXI. That all persons under the age of sixty who have held civil or military commissions, and are not or shall not be re-appointed to their respective proper ranks of office, and all other persons between the age of fifty and sixty years who have associated and elected their officers, or shall hereafter associate themselves, shall be exempted from serving as part of the enrolled militia — That all persons who have not yet associated, shall form themselves into voluntary associated regiments or companies according to their number in each respective county and

Voluntary  
associa-  
tions to be  
formed,  
etc.

recommend their own officers, and that all such associated regiments or companies shall make returns thereof respectively to the commander in chief for the time being without delay, who with the advice and consent of the council of appointment shall issue commissions to them accordingly, in default of which returns they shall respectively do duty in the ranks with the militia of the beat within which they shall respectively reside, until they shall respectively associate as aforesaid — That the substance of such associations shall be, that the associators will severally on all occasions obey the orders of their respective commanding officers, and all others authorized to give them orders by this act, and will in cases of such invasion or incursions of the enemy or insurrections march to repel the enemy or suppress such insurrections in like manner as the enrolled militia are compelled to do; so that they shall not when called out in detachments be annexed to any other regiment or company, or be under the immediate command of any other than their own officers, except as herein after excepted, but be deemed and considered as a separate and distinct corps; and that when such associated exempts shall be called into actual service, they shall be subject to the orders and command of any and every officer of superior rank to such officer of associated exempts.—

Associations to obey orders, etc.

XXXII. That every person an inhabitant of this State subject by this act to military duty in the militia who shall remove out of the limits of the regiment or corps in which he shall be commissioned, associated or enrolled, or sojourn or be within the limits of any other regiment or corps, shall be subject to drafts, and be obliged to do duty in the regiment or corps within the limits of which he shall so happen to be.

Persons subject to draft.

XXXIII. That the lieutenant governor, members of the senate and assembly, the clerks of the senate and assembly, all judicial officers, the secretary of this State, and one of his deputies, the attorney general of this State, the treasurer of this State, the auditor of this State, the clerks of courts of law, the county clerks the clerk of the court of probates all ministers of the gospel, all post masters and post riders, all sheriffs, and one gaoler to every gaol, notwithstanding their being respectively able bodied above sixteen and under sixty years, and all such persons who shall procure special exemptions from the commander in chief of this State for the time being, shall respectively be exempted from training and doing duty in the militia, but shall nevertheless be armed accoutred and provided as by this act is directed — That it shall and may be lawful to and for the commanding officer of every regiment to grant exemptions in writing to such physicians, surgeons, school masters, millers and ferrymen, as he shall in his judgment deem it would be more prejudicial to the common weal to take out with the militia, than to permit them to remain at home; provided no such exemption shall from time to time be given for a longer term than thirty days from the date of the permit.—

Persons exempt from training, etc.

XXXIV. That each male person between the ages of sixteen and sixty years who is or shall be of the people called Quakers, upon producing a certificate from one of their quarterly meetings that he is of the society called Quakers, shall be exempted from all personal military service whatsoever to which he would be subject by this act was he not of the people called Quakers; and for such exemption shall yearly and every year pay the sum of ten pounds in lieu of all military service whatsoever required by this act — And for the purpose of levying the said annual sum, the commanding officer of every beat shall annually in the month of May return to the respective supervisors of the ward, town, manor, precinct or district, wherein he shall reside a list of such Quakers as aforesaid, residing within his beat; and the respective supervisors of

Quakers exempt.

Yearly tax.

How levied and collected.



the county at either of their meetings shall make out a separate tax list thereon (a copy whereof they shall cause to be delivered to the treasurer of the county) with a warrant to be issued by them to the collectors respectively, for levying the same, of the form as near as may be, agreeable to the form of the warrants to collect the taxes for defraying the contingent expences of the county; and in default of goods and chattles of any Quaker, whereon to levy the said sum, the warrant for levying the same shall authorize the collector to commit him to the gaol of the county, and if there shall not be a gaol in the county then to the gaol in an adjoining county—and the keeper of such gaol is hereby required to receive and detain him in safe custody until the said sum shall be paid to the said collector; and the said collectors shall respectively pay the monies they shall so from time to time collect into the county treasury, from whence they shall be paid by the several county treasurers into the treasury of this State, for which collection the collector shall be allowed the like poundage as for collecting the contingent charges of the county.

Act not to  
affect per-  
sons who  
have fur-  
nished sub-  
stitutes.

XXXV. That this act or any thing in the same contained shall not in cases of drafts or detachments of the militia affect any person who has furnished heretofore, a sufficient able bodied man for service in one of the regiments raised under the direction of this State, unless the time of such service shall have expired.—

Verbal  
notice  
sufficient.

XXXVI. That in all cases where notice is required by this act, verbal notice to the party himself or left at his usual place of abode with a person of the years of discretion by any commissioned officer or non-commissioned officer of the company, shall be deemed a legal and sufficient notice.—

Compensa-  
tion of offi-  
cers at-  
tending  
courts  
martial.

XXXVII. *And be it enacted by the authority aforesaid,* That the officers attending general or regimental courts martial by virtue of this act shall for every day they shall respectively serve on the said courts be paid the sum of six shillings, (which said sum of six shillings per day, shall be in full of all pay and subsistence for such service,) out of the fines to be imposed by the said courts, to be ascertained by the respective presidents of the said courts—That the fines imposed by the said courts shall be recovered by warrant, under the hand of the commanding officer of the regiment, directed to any serjeant or serjeants of the regiment by distress and sale of the goods and chattles of the offender, and for want thereof the offender shall be committed to the gaol of the county, and if there shall not be a common gaol in the county then to the gaol in an adjoining county; and the keeper of such gaol is hereby required to receive and detain him in safe and close custody until the said fine shall be paid, or until the time of his confinement expires agreeable to the said warrant—That out of the said fines when recovered the commanding officer of the regiment shall pay the said officers of his said regiment attending on the said courts, and the overplus money of the said fines shall by the said commanding officer be paid into the treasury of this State.—

Fines, how  
recovered.

Officers to  
be paid  
from  
moneys re-  
ceived  
from fines.

Reimburse-  
ment of  
moneys  
paid out  
by officers.

XXXVIII. *And whereas* the commanding officers of brigades and regiments are frequently on extraordinary emergencies obliged to disburse of their own monies for paying expresses; for reimbursement whereof, the treasurer of this State, shall and is hereby required from time to time to repay the same out of any monies in the treasury not by law otherwise particularly appropriated provided that the accounts thereof respectively shall be first sworn to before a justice of the peace of any county within this State.—

XXXIX. *And be it further enacted by the authority aforesaid,* That the commissioner of military stores of this State, shall on application of any commanding officer of a regiment of the militia of this State, by draft in writing on the said commissioner, in favor of the quarter master of the regiment with a warrant endorsed by the person administering the government of this State for the time being, furnish him with such quantities, either of loose ammunition or made up in cartridges as shall be directed by such warrant; the said quarter master paying for the same the first cost thereof and the expence of making up the same; which monies the said commissioner shall from time to time lay out in the purchase of ammunition.—

Ammunition to be furnished on requisition.

XL. *And be it further enacted by the authority aforesaid,* That if any person be wounded or disabled, upon assisting in repelling any invasion or incursion of the enemy, or suppressing an insurrection, or in any other legal military service, he shall be subsisted and provided for at the expence of the State, during such disability, except such persons whose cases are already provided for by the several acts of Congress of the United States of America, making provision for persons that may become disabled while in the service of the United States. That each person who hath been or shall hereafter be so wounded or disabled, and whose cases shall not be provided for as aforesaid, shall be entitled to such partial or permanent allowance, as shall be adjudged by the field officers of the regiment (not exceeding the allowances granted by the acts of congress aforesaid) and which adjudication, being confirmed by the commander in chief for the time being, he shall thereupon issue duplicate warrants under the privy seal of this State, upon the treasury, for the payment of the sum or sums so to be adjudged to the person so wounded or disabled, and the treasurer upon being served with one of the said duplicates; shall out of any monies which may then be in the treasury, pay to the several persons in whose favor such warrants shall be issued the sum or sums therein respectively specified, and in such manner as shall be directed by the said warrants respectively.

Wounded persons to be subsisted, etc.

XLI. *And be it further enacted by the authority aforesaid,* That proceedings or trials at courts martial directed by this law, may be carried on at any time or times, the seventh article of the fourteenth section of the said articles of war, whereby such proceedings or trials are prohibited from being carried on, except between the hours of eight in the morning and three in the afternoon, to the contrary notwithstanding.—

Proceedings of court martials. When carried on.

XLII. That the commanding officers of the several companies, shall cause the said articles of war to be read and published at least twice in every year, at the head of their respective companies.—

Articles of war to be read.

*And whereas* in many instances the militia of this State have been necessitated for the want of provisions in the public stores to subsist themselves at their own expence when ordered out to repel the enemy,

*And whereas* it may become necessary for the militia in future to furnish themselves with provisions on similar occasions.—

XLIII. *Be it therefore enacted by the authority aforesaid,* That the commanding officers of companies which shall so have furnished themselves and their companies, or shall hereafter furnish themselves and their companies with provisions at their own expence, shall from time to time return to the commanding officer of the regiment or corps, duplicate subsistence rolls containing the names of the several persons of their respective companies who have, or hereafter shall furnish themselves with provisions at their own expence and the number of days for which each person shall have so furnished himself, and which duplicate subsistence rolls, the said commanding officers of companies shall respect-

Officers furnishing themselves or their companies with subsistence to make and return subsistence rolls, etc.

ively subscribe, and swear to the same before the said commanding officer, who is hereby authorized to administer an oath for the purpose, and such commanding officer of the regiment shall thereupon make an abstract of the subsistence rolls of the respective companies of such regiment, and return duplicates of the same, together with one of such subsistence rolls to the auditor, who is hereby required to audit such abstracts, and to make a reasonable allowance for such provisions furnished as aforesaid, and to return one of the said abstracts audited as aforesaid to the said commanding officer of the regiment; and to charge the amount of such abstracts to the account of the United States.—

Provided always, that no person shall be allowed more than one ration per day in such subsistence rolls.

Only one ration per day allowed.

Proviso as to notifying associate exempts.

*And whereas* the dispersed situation of the places of residence of the associate exempts renders the mode at present used for notifying them to march in cases of invasions or insurrections extremely inconvenient, and in a great measure defeats the objects for which they were embodied.

Notice how given.

XLIV. *Be it therefore enacted by the authority aforesaid*, That it shall and may be lawful to and for the commanding officers of the regiments of enrolled militia, when and as often as their whole regiments shall be ordered out for duty, to notify the senior officers of such associated exempts residing within the limits of their regiments respectively, to order the commissioned officers of such exempts as may reside therein, to appear at the time and places appointed for the rendezvous of such regiments respectively, and that it shall and may be lawful, to and for any commissioned or non-commissioned officer of such regiments or company of enrolled militia as shall be ordered out to oppose the enemy or insurgents, to notify and warn the non-commissioned officers and privates of such corps of exempts residing within their respective limits or beats to march to such place, and at such time as the enrolled militia of such regiment or company are ordered to march—That until such time as such associated exempts shall be joined by an officer of the corps in which they are associated, they shall march do duty with, be annexed to, and be subject to the immediate command of the officer, commanding such regiment or company of enrolled militia within the limits or beat of which they respectively reside, and that the said officers, non-commissioned officers and privates of such associated exempts shall be subject to the same pains and penalties for neglecting or refusing to march after being notified as aforesaid, as the enrolled militia are subject to by this act, for neglecting or refusing to march.—

To do duty with and be subject to orders of commanding officers of regiments until joined by an officer of the corps.

Proviso as to expense of conviction of delinquents.

*And whereas* the conviction of delinquents for refusing to rendezvous and march when duly notified and ordered, hath heretofore been attended with much expence and delay; and proper encouragement hath not been given to such as have evinced their zeal and alacrity to rendezvous and march to repel an enemy, or subdue insurgents;

Proceedings in case persons enrolled in the militia refuse to rendezvous and march when duly notified to do so.

XLV. *Be it therefore enacted by the authority aforesaid*, That every person enrolled in the militia of this State, who shall refuse or neglect to rendezvous and march with the regiment or detachment thereof when duly notified so to do; and every person belonging to the associated exempts who shall refuse or neglect to rendezvous and march when duly notified so to do, when the whole regiment in the limits whereof he resides is ordered to march, such delinquent shall be dealt with in the manner following viz<sup>t</sup>. The commanding officer of every company in the enrolled militia shall and is he hereby strictly enjoined and required, within six days next after the return of the regiment or any detachment thereof from a tour of duty, to make and transmit to



the commanding officer of the regiment a return, containing the names of every person who had rendezvoused and marched out at the time and place directed by the order, and also of all such persons, if any, who did not rendezvous at the said time and place, including the names of the associate exempts residing within the limits or beat of the company, if the order was for the whole regiment and associate exempts to march; and shall also therewith transmit the names of the officers and non-commissioned officers by whom each delinquent was notified to march, if such notice was given, the day on which they were ordered to rendezvous, and the day when discharged from the service for which the regiment, company or detachment was ordered out, and shall certify such return to be true and impartial according to the best of his knowledge and belief—That the commanding officer of every shall and he is hereby required and strictly enjoined, within twenty days next after the return of the regiment or detachment from every such duty in the field, by regimental orders to appoint a day not less than five nor more than ten from the date of the order, for as many times three officers to convene (at a place within the limits of the regiment, to be specified in such order) as there are tens in the number of delinquents returned to him; which officers shall be named by the said commanding officer of the regiment, and be composed of officers from the enrolled militia and from the associate exempts, if there are such officers of associate exempts within the limits of the regiment; and in case there are not more than nine delinquents, then the commanding officer shall appoint one court martial to consist of not more than five commissioned officers nor less than three; and being more than nine and less than twenty, he shall then appoint two such courts martial, at which time and place the adjutant of the regiment shall attend, and the name of each officer convened being written on a piece of paper, the whole shall be put into a hatt, and the adjutant shall in the presence of the officers draw them out, and enter them on a sheet of paper in the order in which they shall be drawn—That the three first drawn shall compose one court martial, three next shall compose another court martial, and so on by threes to the number convened.

Provided always if there shall be more than seventy delinquents returned, there shall be as many officers ordered to convene as will constitute seven such courts martial, and the limits of the regiment shall be divided in manner aforesaid into as many parts as there shall be courts formed out of the officers which shall actually convene. That where within the limits of any regiment there are not a sufficient number of officers to constitute so many courts as by this proviso are required, as many officers shall be ordered to convene as will constitute the greatest number of such courts the regiment is capable of, and the limits of the regiment shall accordingly be divided into parts equal to the number of such courts—That the senior officer of each three shall be president of the court, that the presidents shall then divide the limits of the regiment into districts by limits or beats of companies, in each of which a court martial shall convene for the trial of all the delinquents therein, and shall determine by ballot in what district each court martial shall sit—That the president of each court shall then immediately in writing signify to the adjutant of the regiment in what district the court of which he is president is to convene, and on what day, provided such day shall not be less than five days after, and exclusive of the day on which such notice is given—That the adjutant shall thereupon transmit such notice to the commanding officer of each company in such district, who is hereby required, to order notice to be given to every delinquent by him returned, and to every officer and non-commissioned officer by whom

Proviso as to number of delinquents and of courts martial.

President of court to notify adjutant, etc.

any delinquent was notified to rendezvous and march as aforesaid, to attend the court martial in the district to which it belongs, to take trial or give evidence—And all persons returned as delinquents, who may by sickness or necessary absence out of the district be prevented from attending, may send a person to state his case to the court martial, which court shall try every person returned as delinquent, whether such person attends or not—That when the officers are so convened as aforesaid, and before they separate, the adjutant, shall and he is hereby authorized and empowered to administer the following oath, to each of the officers composing a court martial.

Officers of  
court to  
take oath.

Form of.

You do solemnly and sincerely swear, that you will well and truly try and true presentment make according to evidence whether any of the persons triable by the court of which you are (president or member) are delinquent or not. If you find any not delinquent because not duly notified, you shall so say: If you find any not delinquent by reason of sickness, or such other reasonable cause or impediment as you shall deem good and sufficient, you shall so say. If you find any not delinquent because the person or persons charged with delinquency did actually rendezvous and march and did not desert, you shall so say: If you find that any person or persons being duly notified did not rendezvous or rendezvousing did refuse or neglect to march, you shall so say: If you find that any person did not rendezvous and march at the time and place appointed, and was sick, or had other reasonable cause or impediment as aforesaid for not rendezvousing and marching, being duly notified, you shall enquire how long such sickness, reasonable cause or impediment existed, and whether such person did afterwards march, and when, and whether he deserted or not, and shall so say.—So help you God.

Power to  
send for  
witnesses;  
sentences,  
etc.

That every such court may send for such witnesses as they may deem necessary on any trial—That the president of each court shall subscribe the sentence or sentences given by such court—That the president shall transmit a duplicate of the sentence or sentences so subscribed as aforesaid, to the commanding officer of the regiment within five days next after all the delinquents shall be tried, and the sentences given—That every person convicted by the said courts martial or any of them, of not rendezvousing being duly notified, or if rendezvousing, of neglecting, or refusing to march, or of not marching after any sickness, reasonable cause or other impediment (which might have prevented his rendezvousing and marching as by the order he was to have done) had subsided, or of having deserted after having marched, not having before been punished for the same desertion; each and every such person (not a deserter) shall be fined in the sum of forty shillings for every day of the first three days, and the sum of eight shillings for every day after, and which shall have intervened from the third day after the day on which the regiment or detachment was ordered to rendezvous, to the day on which the same was discharged, and for so many days more as would have intervened between the day of discharge and return to their respective limits or beats, computing at the rate of twenty miles for every day, from the place where discharged to the residence of the commanding officer of the regiment; or if the offender shall have deserted, the like fines to be imposed from the time of such desertion; all which fines shall be levied by distress and sale of the offenders goods and chattles by warrants under the hand of the commanding officer of the regiment, directed to one of the serjeants of the company or beat to which such offender does belong, or in which such offender resides, together with the costs and charges of such distress as is usual in civil actions on warrants by a justice of

Fine.

How levied  
and collec-  
ted.

the peace, and for want of such goods and chattles the offender and offenders shall be committed to the common gaol of the county; and if there shall not be a common gaol in the county, then to the gaol in an adjoining county, and the keeper of such gaol is hereby required to receive such offender or offenders, and him or them to keep in close gaol agreeable to such warrant, there to remain as many days as there are shillings in the fine imposed on him, unless he shall sooner discharge said fine.—That every officer and non-commissioned officer who shall neglect or refuse the duties enjoined him by this clause, shall be tried by a brigade court martial, and being convicted shall and may be cashiered and fined, or cashiered only, or fined only in the discretion of the court-martial.

Officers  
may be  
cashiered.

XLVI. That it shall and may be lawfull to and for the commanding officer of the regiment to pay out of any monies arising by the fines to be inflicted by virtue of this clause, to each of the officers serving on the courts martial and to the adjutant at the rate of six shillings per day, for every day such officers and adjutant have been *bona fide* employed in discharge of the duty required of them by this clause.—That every witness attending any court martial to be instituted by virtue of this act, or who shall be sent for by such court as necessary to convict an offender, shall be allowed at the rate of three shillings per day if such witness should reside more than one mile from the place where such court shall be convened for every day's attendance, untill dismissed by the court, and the certificates of the presidents of any such court's martial, shall be sufficient vouchers to the commanding officer of the regiment to pay the witnesses, which he is hereby required to do out of the fines arising by virtue of this act.—That the residue of such fines arising from delinquency for not rendezvousing and marching when ordered by detachment, shall by the commanding officers of regiments, and the commanding officers of companies be divided amongst the enrolled non-commissioned officers and privates of such detachment who did actually march, and according to the time they respectively served on such detachment, and be paid by the said commanding officer of the regiment to the commanding officer of the company who shall pay the same to the persons entitled thereto; and that the residue of such fines arising from delinquencies for not rendezvousing and marching when the whole regiment and the associate exempts are called out, shall be divided and paid in like manner amongst the non-commissioned officers and privates of the regiment and of the associate exempts within the limits thereof, who did actually march, and in proportion to the times they respectively served on such duty — That in case of the death, sickness or absence of the adjutant the duty enjoined him by this clause shall and may be executed by any person thereunto appointed in writing, signed by the commanding officer of the regiment; and in case of the death, sickness or other inability of the president or members of any of the said courts, the commanding officer of the regiment shall appoint a substitute out of the other commissioned officers of the regiment.—

Officers  
serving on  
courts to  
be paid out  
of fines.

Witnesses'  
fees.

Residue of  
fines to be  
divided  
among  
men who  
actually  
march.

Duties of  
adjutant,  
by whom  
executed  
in case of  
illness,  
etc.

*And whereas* many persons in the enrolled militia of this State have heretofore neglected or refused to march when called out on detachment, or with the regiments to which they respectively belong and have not been tried for the same, on account whereof great uneasiness prevails

XLVII. *Be it further enacted by the authority aforesaid,* That all persons who have since the eleventh day of March one thousand seven hundred and eighty, neglected or refused to march having been duly notified, and who have not been tried for such offence, shall and may be

Persons  
neglecting  
to march  
to be tried,  
etc.



reported to the commanding officers of the regiments respectively within this State, and be tried by a court, or courts martial, to be instituted agreeable to the manner directed in the next preceeding clause of this act, and shall be punished or fined, and the fines recovered in like manner as they were punishable and finable, and the fines recoverable by "An act for regulating the militia of this State of New-York," passed March eleventh one thousand seven hundred and eighty, as if the same was now in full force; and the commanding officer of every regiment, and the commanding officer of every company and corps of associate exempts are hereby strictly enjoined and required to do what by the said clause they are enjoined to do to bring such delinquents to trial and punishment as though such delinquents had offended after the passing of this act. That the residue of all such fines, after the president and members of the court martial, the adjutant and witnesses shall have been paid, as by the next preceeding clause of this act is directed, shall be disposed of as in and by the said act passed the eleventh day of March one thousand seven hundred and eighty is directed.

Trials to  
be com-  
pleted.

XLVIII. *And be it further enacted by the authority aforesaid* That all and every court martial within this State instituted for the trial of offenders, and which has actually began to try an offender, shall and may complete such trial and carry the same into effect as far as it is incumbent on the said court to do, and the commander in chief and the brigadiers general shall and may proceed to carry into execution the sentence of any court martial if approved, in as ample and full a manner as if the said act passed the eleventh day of March one thousand seven hundred and eighty, was in full force. That in case of distresses for levying any fine imposed by this act, the arms ammunition and accoutrements of the convicted delinquent shall not be taken, any thing in this act to the contrary notwithstanding.

When act  
to take  
effect.

XLIX. *And be it further enacted by the authority aforesaid* That this act shall not take effect until the first day of June next and that the said act entitled "An act for regulating the militia of the State of New York," passed the eleventh day of March one thousand seven hundred and eighty be and is hereby revived and shall be in full force until the said first day of June next, and no longer.

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## CHAP. 28.

AN ACT to liquidate the depreciation of the pay of the officers of the military hospital and medical department, and of the officers and privates of the levies and militia of this State made prisoners by the enemy.

PASSED the 6th of April, 1782.

Preamble. WHEREAS congress did by their act of the thirteenth day of June one thousand seven hundred and eighty one recommend to the several States in the words following, to wit.

Resolution of con-  
gress re-  
cited. Resolved That it be and it is hereby recommended to the several States to which the officers of the hospital and medical department now in service respectively belong or of which they were inhabitants to settle the accounts of the said officers for depreciation on the principles established by a resolution of congress of the tenth of April, one thousand seven hundred and eighty and to make provision for

power as is given to the collectors before mentioned in this act, and the said collectors respectively to whom the said warrants are directed shall deliver the said warrants with the rate books and the money paid therein to the present collectors when thereunto required by the persons who granted the said warrants or the major part of them.

## CHAP. 16.

AN ACT to authorize his excellency the governor to raise troops for the defence of the frontiers.

PASSED the 21st of February, 1783.

*Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,*  
That it shall be lawful for his excellency the governor by general orders to draw out into actual service from all or any of the districts of the brigades or regiments of the militia of this State, when and as often as he shall deem it necessary for the defence of the frontiers so many able bodied and effective men not exceeding six hundred for any term or time not exceeding eight months from the first day of April next as he shall deem most conducive to the safety of the State; provided that the United States in congress assembled shall have declared that the said troops shall be paid and subsisted at the expence of the said United States. That the commanding officer of each regiment of militia shall require the respective commanding officers of companies within his regiment to make just and true returns to him upon oath of all the male inhabitants and sojourners of the age of sixteen years and upwards within each of their respective beats, excepting such sojourners as shall produce a certificate of their having been classed with the beat of the company where they last resided and also excepting slaves. That the said commanding officer together with the other field officers of the regiment shall within one week after such return shall be made meet together at such time and place within the district of the regiment as the commanding officer of the regiment shall appoint. That at such meeting the field officers or the major part of them shall divide the regiment agreeable to such return thereof into classes, each class to consist of so many men as his excellency the governor shall direct. And it shall be the duty of the field officers to compose each of the classes with persons in their judgment, as nearly equal in property as possible so that equal justice may be done between each of the classes. That the commanding officer of the regiment shall cause to be delivered to a militia officer or to some other reputable person belonging to each class a list of the class. That each class shall within twenty days after being furnished with such list, deliver at such place as the governor shall appoint, within the county where the man shall be raised, an able bodied man to be provided with a good musket or fire lock with a bayonet, a cartouch box or pouch capable of containing seventeen charges of ammunition, a knapsack or haversack and a good blanket. That if troops shall be drawn out at different periods in pursuance of this law the governor shall apportion such troops among the different brigades and regiments so that the burthen in the rotation of service may as nearly as possible be equally borne among the inhabitants of this State.

Governor may draw militia into actual service as often as he deems necessary.

Commanding officers of companies to make returns.

Officers named to meet and divide regiments into classes.

Each class to deliver able bodied man provided with musket, etc.

Quakers  
liable to  
be classed.  
Each class  
responsi-  
ble for  
man en-  
listed un-  
til deliv-  
ered, etc.

Detached  
persons  
after  
notice  
deemed to  
belong to  
troops.

Assessors  
to be con-  
vened and  
apportion  
sum  
among  
persons  
composing  
delinquent  
class; col-  
lection of,  
how en-  
forced.

Troops  
subject to  
orders and  
to rules  
and arti-  
cles of  
war.

Troops to  
be divided  
into corps  
and offi-  
cered.

Officers  
neglecting  
duty to  
forfeit  
twenty  
pounds.

That the people called Quakers shall be liable to be classed in like manner as the other male inhabitants any exemption in favor of the said people in any other law to the contrary notwithstanding. That each class shall be responsible for the man by them respectively enlisted until he shall be delivered and mustered at the place or places of rendezvous to be appointed in general orders, and on failure of a sufficient muster at such place or places either of an able bodied man or of arms or other appointments, the class so delinquent shall be subject to a detachment from among them of an able bodied man, not being of the people called Quakers, properly armed and appointed as aforesaid, who shall in such case be detached by the commanding officer of the regiment, wherein such class shall be, within five days after notice of such delinquency given to him by the person or persons to be appointed by the governor to muster the said troops at such place or places as aforesaid. That each person being so detached shall after notice thereof left at his usual place of abode be deemed as belonging to the said troops that such delinquent class shall nevertheless be subject to pay a sum equal to double the amount of the highest bounty given by any class within the district of the regiment. That the commanding officer of the regiment shall convene the assessors of the district in which the major part of the class reside and lay before them a list of the names of the persons composing such class, who shall thereupon apportion the said sum to and among the several persons composing such delinquent class due regard being had to the circumstances and abilities of each respective person. That the said commanding officers shall thereupon deliver the assessment roll to such sergeant in the regiment as he shall appoint for the purpose who shall forthwith by distress and sale levy of the several persons named in such assessment roll the sum opposite to their respective names, and shall, after deducting thereout a poundage of one shilling in the pound for his services in collecting the said monies, pay the same to the commanding officer of the regiment by whom the one moiety shall be paid to the person so detached and the other moiety thereof to the treasurer of the county and by him into the treasury of the State. That if any person, refusing to pay the sum assessed upon him, shall not be possessed of goods and chattles whereof the same can be levied the said commanding officer shall by warrant under his hand, to be directed to any sergeant of the regiment, cause such person to be committed to the goal of the county, and if there be no goal in the county, to the next nearest goal, there to remain without bail or mainprize until the sum so assessed upon him shall be paid to the commanding officer of the regiment. That the troops to be raised by virtue of this act shall be subject, to the orders of the commander in chief of the armies of the United States, and to the rules and regulations contained in the articles of war made or to be made by the congress of the said United States for regulating the armies of the said States, and that courts martial for the tryal of any person belonging to the said troops shall consist of officers belonging to the army of the United States, or to the militia of this State, or to the said troops, as the governor shall direct. That the governor shall from time to time make such arrangement of the said troops and divide them into such and so many corps as he shall deem proper and shall by and with the advice and consent of the council of appointment appoint the necessary officers accordingly. That every commissioned or non commissioned officer or assessor who shall wilfully neglect or refuse to do or perform any of the duties required of him by this act shall forfeit for every offence the sum of twenty pounds to be sued for and recovered with costs of suit in a sum-



mary way before any justice of the peace of the county by and in the name of the commanding officer of the regiment, in which suit a jury shall be allowed if demanded by either party in manner and form as by a certain act entitled "An act to impower justices of the peace, mayors recorders and aldermen to try causes to the value of ten pounds and to repeal sundry acts therein mentioned" is prescribed, in certain suits therein mentioned; and the said penalty when recovered shall be paid by the said commanding officer into the treasury of this State. That the measures necessary to carry this law into effect shall be executed on general orders to be issued for the respective purposes by the governor and that every commissioned officer of the militia of this State shall make such returns respecting the said troops to such officers in the militia and within such time as the governor shall from time to time direct and appoint; and that any colonel or commanding officer of a regiment disobeying such general orders shall and may be tried by a general court martial to be convened by order of the governor; and if such colonel or commanding officer shall be convicted of willful neglect or refusal to execute any of the duties enjoined on him by this act, he shall be adjudged in like manner as is directed in and by an act entitled "An act to regulate the militia" passed the fourth April, one thousand seven hundred and eighty two. That whenever any person or persons belonging to any class shall procure a man for the same at his or their own proper expence to serve in such troops, and all the persons composing such class cannot agree to a mode for the apportionment of such sum, the assessors of the district where the major part of such class shall reside, or any two or more of them, shall and may apportion the sum paid as and for a bounty to such man, and assess the persons composing such class agreeable to their circumstances and abilities; and that the assessment or apportionment so to be made in pursuance of this law, shall, upon suit to be commenced for the recovery of any part of such bounty, before any justice of the peace of the county, who is hereby authorized to take cognizance thereof, be deemed conclusive evidence to entitle the plaintiff to recover the sum assessed, with costs of suit, against the defendant; in which suit a jury shall be granted in manner aforesaid, it required, and execution shall by the said justice be forthwith granted accordingly. That the commanding officers of the several regiments shall make return to the governor of the amount of the several bounties paid by the respective classes and such return shall by the governor be transmitted to the treasurer of this State to be filed in the treasury, to the end that upon a final adjustment of the accounts of the several States this State may have credit for the amount of the said bounties as monies advanced by this State towards defraying the general expence of the war.

Measures necessary to be executed on general orders issued by the governor.

When person procures man and class cannot agree, assessors to apportion sum paid.

Regimental commanders to make returns to governor.

WHEREAS certain frontier parts of this State hereafter mentioned are exposed to incursions of the enemy and subject to frequent calls of the militia.

*Be it therefore enacted by the authority aforesaid* That the counties of Westchester Tryon and Charlotte, the united districts of Duanesburgh and Schoharie, the districts of Saratoga and Ballstown and such part of the district of the township of Schenectady (the settlement called Scotia excepted) as lies on the north side of the Mohawk river in the county of Albany, the precinct of Mamacotting and the township of Rochester in the county of Ulster the district of the regiment commanded by Colonel A. Hawke Hay and that part of the Goshen regiment which lies on the west side of the Minisink mountains in the county of Orange shall be and are hereby exempted from raising any of the men directed to be raised by this act.

Counties and districts named exposed to incursions of enemy exempted from raising men.











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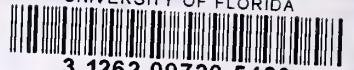
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